

CALIFORNIA COASTAL COMMISSION

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**F6A****ADDENDUM for Friday Item F6a**

DATE: October 10, 2007
TO: Commissioners and Interested Parties
FROM: North Central Coast District Staff

SUBJECT: Agenda Item F6a: **California Department of Transportation (CalTrans), San Mateo County.** Application of CalTrans for a Coastal Development Permit for interim placement of 390 linear feet of rock slope protection to protect Highway 1 from coastal erosion at three locations at Post Mile 13.4 and 13.6, in the vicinity of Pescadero State Beach, San Mateo County, as previously authorized by emergency permits 2-020030G and 2-02-031G.

The purpose of the addendum is to make technical and conforming corrections to the staff's recommended Special Conditions and Findings that correct references and make the conditions and findings internally consistent and clear to follow. There is also a corrected date to Exhibit C – Timeline for Permanent Solution.

Note: ~~Strikethrough~~ indicates text to be deleted from the September 27, 2007 staff report and underline indicates text to be added to the September 27, 2007 staff report.

1) The SPECIAL CONDITIONS shall be modified as follows:

On Page 9 (Special Condition 3(A) to 3(D))

3. Standards for Project Maintenance Work:

This coastal development permit authorizes future maintenance subject to the following:

- (A) Definition of Maintenance. "Maintenance," as it is understood in this special condition, means development that would otherwise require a coastal development permit whose purpose is: (i) to reestablish or place rock within the permitted footprint and/or profile of the Existing Rock; (ii) to retrieve any rocks that move seaward of the permitted footprint and/or profile of the Existing Rock and either restack them (within the approved footprint and profile) or remove

them from the project area as soon as is feasible after discovery of the rock movement, and/or (iii) to temporarily leave in place a rock that falls from the RSPs out of the footprint if it is determined by the Executive Director, pursuant to ~~Special Condition 3~~ Special Condition 3(C), that it does not pose a threat to public safety nor hinder public access, and that removal, before the development authorization ceases per Special Condition 1, would result in adverse impacts to coastal resources.

(B) RSP Repair and Maintenance:

- i. The permittee shall maintain the RSP for the life of the permitted structure.
- ii. This coastal development permit authorizes repair and maintenance activities only if carried out in accordance with all of the following conditions:
 - a) Maintenance and repairs shall be limited to removal, repositioning, or replacement of rock within the footprint of the approved revetment. The permittee shall be responsible for removing or redepositing any debris, rock or material that becomes dislodged after completion of the approved shoreline protection as soon as possible after such displacement occurs.
 - b) No expansion or enlargement of the approved revetment is permitted.
 - c) No materials or construction equipment shall be placed or operated on the beach or within any area other than the footprint of the approved revetment, the Highway 1 right-of-way and the parking areas located above the RSP.
 - d) Vehicular and equipment access to the RSP shall be via the Highway 1 right-of-way and the parking areas located above the RSP.
- iii. If any required repair and maintenance activities are not those repair and maintenance activities identified in ~~subsection 2~~ subsection ii, the permittee shall apply for a permit amendment for the repair and maintenance activities as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.

(C) Maintenance Notification.

- i. At least two weeks prior to commencing any maintenance activity (including a decision to leave fallen rock in place), the permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office.
- ii. The notification shall include: a detailed description of the maintenance activity proposed; any plans, engineering and/or geology reports describing the activity; a construction plan that complies with the Construction Plan requirements described below; other agency authorizations; and any other supporting documentation (as necessary) describing the maintenance activity.

iii. The maintenance activity shall not commence until the permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the activity complies with this coastal development permit and that the provisions of subsection (F) have not been triggered. If the permittee has not received a response within 14 working days of receiving the notification, the augmentation and/or maintenance activity shall be authorized as if planning staff affirmatively indicated that the activity complies with this coastal development permit. The notification shall clearly indicate that the maintenance activity is proposed pursuant to this coastal development permit, and that the lack of a response to the notification within 14 working days of receiving the notification constitutes approval of it as specified in the permit.

iv. In the case of an emergency requiring immediate maintenance, the notification of such emergency activity shall be made consistent with the provisions of 30611 and 30624 of the Coastal Act and their implementing regulations.

At least two weeks prior to commencing any maintenance activity (including a decision to leave fallen rock in place), the permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include: a detailed description of the maintenance activity proposed; any plans, engineering and/or geology reports describing the activity; a construction plan that complies with the Construction Plan requirements described below; other agency authorizations; and any other supporting documentation (as necessary) describing the maintenance activity. The maintenance activity shall not commence until the permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the activity complies with this coastal development permit and that the provisions of subsection (F) have not been triggered. If the permittee has not received a response within 14 working days of receiving the notification, the augmentation and/or maintenance activity shall be authorized as if planning staff affirmatively indicated that the activity complies with this coastal development permit. The notification shall clearly indicate that the maintenance activity is proposed pursuant to this coastal development permit, and that the lack of a response to the notification within 14 working days of receiving the notification constitutes approval of it as specified in the permit. In the case of an emergency requiring immediate maintenance, the notification of such emergency activity shall be made consistent with the provisions of 30611 and 30624 of the Coastal Act and their implementing regulations.

(D) Construction Plan. The maintenance notification shall include a Construction Plan that, at a minimum, provides for the following:

- i. Construction Areas. All areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on Highway 1, public access to

and on the beach, and to have the least impact on public views from Highway 1 and public access to the shoreline.

ii. Construction Methods and Timing. All construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas and to minimize public view impacts, shall be clearly identified. Construction shall be limited in duration as much as is feasible to limit overall construction impacts. The Plan shall ensure that all erosion control/water quality best management practices to be implemented during construction and their location are provided to the Executive Director prior to commencement of construction..

iii. Construction Requirements. The Plan shall include the following construction requirements specified via written notes on the Plan.

- a) All work shall take place during daylight hours and lighting of the beach area is prohibited.
- b) ~~Construction work or equipment operations~~ Maintenance activities associated with the retrieval of existing rock shall not be conducted below the mean high water line unless tidal waters have receded from the work areas.
- c) ~~Grading of intertidal areas is prohibited~~ No maintenance and construction activities shall occur within intertidal areas, with the one exception, as follows: existing rock that has migrated seaward of the RSP, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments. Retrieval shall occur using equipment staged on the footprint of the approved revetment, the Highway 1 right of way and/or the parking areas located above the RSP off of the beach. Any such existing rock that has migrated seaward of the RSP shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- d) Equipment and materials shall only be stored on the footprint of the approved revetment, the Highway 1 right of way and/or the parking areas located above the RSP. No equipment or materials shall be stored on the beach. out of the ocean view as seen from Highway 1 if feasible.
- e) Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- f) No work shall occur during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- g) Equipment washing, refueling, and/or servicing shall not take place on the beach.

- h) The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).
- i) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- j) During all construction, copies of the signed coastal development permit and the construction plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the construction plan prior to commencement of construction.
- k) A construction coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and in emergencies) shall be designated, and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- l) The permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.
- m) The permittee shall report any proposed changes to the approved Plan. No changes to the approved plan shall occur without a Commission amendment to the permit unless the Executive Director determines no amendment is legally required.

On Page 15 (Special Condition 5)

5. Reporting on Progress for the Development of a Permanent Solution:

- i. The RSPs authorized pursuant to this permit are temporary only, and are permitted to be maintained in order to provide a reasonable period of time to develop and implement a long term solution to the acute erosion threat to Highway 1 in this area.
- ii. On an annual basis, with the first report due one year from the issuance of this coastal development permit, the Permittee shall submit a report to the Executive Director for review and approval demonstrating progress made that year toward the completion of a long term solution to the erosion problems in the project area. Progress shall be measured by the activities, targets, and target deadlines shown in Exhibit C of this report.
- iii. If any target has not been achieved by the target deadline, then the annual report shall identify the steps to be taken to achieve the required target, and the anticipated time until the target is to be achieved.
- iv. If, in the opinion of the Executive Director, the Permittee is out of compliance with the terms or conditions of this coastal development permit, or out of compliance with the necessary targets and target deadlines in Exhibit C, then the Executive Director shall not extend the length of development authorization by an additional 5-year period as prescribed by Special Condition 1.

~~The RSPs authorized pursuant to this permit are temporary only, and are permitted to be maintained in order to provide a reasonable period of time to develop and implement a long term solution to the acute erosion threat to Highway 1 in this area. On an annual basis, with the first report due one year from the issuance of this coastal development permit, the Permittee shall submit a report to the Executive Director for review and approval demonstrating progress made that year toward the completion of a long term solution to the erosion problems in the project area. Progress shall be measured by the activities, targets, and target deadlines shown in Exhibit C of this report. If any target has not been achieved by the target deadline, then the annual report shall identify the steps to be taken to achieve the required target, and the anticipated time until the target is to be achieved. If, in the opinion of the Executive Director, the permittee is significantly out of compliance with the terms or conditions of this coastal development permit, or substantially out of compliance with the necessary targets and target deadlines in Exhibit C, then the Executive Director shall not extend the length of development authorization by an additional 5-year period as prescribed by Special Condition 1.~~

2) The Findings and Declarations shall be modified as follows:

On Page 18 (3. Biological Resources and Cultural Resources in Project Area)

The development involved in this project is adjacent to the Pescadero State Beach and the Pescadero Marsh Nature Preserve. Prehistoric sites have been found in the general

project area. East of the highway, opposite L3, is high quality coastal scrub community, dominated by coyote brush. Lands in active agriculture lie east of L1 and L2. The vegetation located in the construction area (west of the highway) is dominated by invasive ice plant (*Carpobrotus edulis*) monoculture. The biological assessment for the installation of these RSP devices in 2003, and the preconstruction surveys, concluded that there is no effect on the California red legged frog or the San Francisco garter snake because all of the activity takes place on the west side of Highway 1 where there are steep and eroded bluffs, and lack of suitable habitat for the species. The species that do frequent the general Pescadero area include: the snowy plover (*Charadrius alexandrinus nivosus*), the California brown pelican (*Pelecanus occidentalis californicus*), the California least tern (*Sterna antillarum browni*), the Pacific Harbor Seal (*Phoca vitulina richardsi*) and the Stellar sea lion (*Eumetopias jubastus*).

On Page 31 (D. Scenic and Visual Qualities) first paragraph

...bluff, the path will have at least a 2 foot buffer between its edge and the embankment. There is one drainage ditch that will need to be crossed by means of a small bridge. Pathway construction will include clearing and grubbing a 3 foot wide area across the bluffs. Pending review, per Special Condition 4, some leveling of the top of RSP L3 will be done by filling with rock, gravel and top soil. The path will be made of slip resistant by adding a layer of soil cement which will give it a natural appearance. The edge of the bridge will have wheel guides, but will have minimum vertical profile.

On Page 34 (D. Scenic and Visual Qualities) first and second paragraph

CalTrans, Coastal ~~commission~~ Commission staff determined that Permeon could be applied in this situation without causing harm to the environment.

Although Permeon has not been extensively used in coastal environments, ~~it has been used in~~ Permeon stained shotcrete was used in a wall along the coast in the City of Dana Point and the coloration seems to be lasting according to the City of Dana Point.

On Page 34 (G. Archaeological or paleontological resources) Conclusion section

Conclusion

With Special Condition 2 ~~3~~ (governing Construction Activities under the Maintenance and Monitoring Program), ~~special condition~~ Special Condition 4 (directing the survey of cultural resources in connection with the construction of the trail and stairway and the process to follow if any are identified, and Special Condition 6 (which provides for a halt to activities if cultural resources are encountered until a supplementary archaeological plan is approved by the Executive Director), the proposed development meets the criteria of section 30244 of the Coastal Act.

Exhibit C: Timeline for Permanent Solution

Change date for Item 2- Complete PID (Project Initiation Document) from 12/01/2008 to 12/01/2007. (See Attachment 1 for replacement Exhibit C).

**Table 2 Long-Term Project Solution to Erosion Along Highway 1
at Pescadero State Beach—Timeline**

	Activity/Document	Milestone (Meeting/or Deliverable)	Anticipated Date
1	Begin Project Initiation Document (PID) for long-term solution in 2005/2006 FY	CCC staff may request to attend project meetings during the development of the PID	09/01/2005
2	Complete PID for long-term solution / alternative	PID	09/01/2007 <u>12/01/2007</u>
3	Submit project for inclusion in the 2008 SHOPP funding		10/01/2007
4	SHOPP funds awarded		07/01/2008
5	Notice of Preparation (NOP)	NOP	08/01/2008
6	Begin Project Approval and Environmental Document (PA/ED)	Project Delivery Team (PDT) Meetings ¹	08/01/2008
7	Public Scoping meeting to determine the preliminary Environmental Technical Studies	Meeting(s) – CCC may attend	08/01/2008
8	Agency Scoping Meeting	Meeting(s) – CCC to attend	09/01/2008
9	Begin siting surveys to identify routes: existing and alternative		09/08/2008
10	End siting surveys to identify routes: existing and alternative		02/01/2009
11	Begin Detailed Environmental Technical Studies -- Cultural/Paleontological, Biological, Noise/Air/Water, Hazardous Waste, Visual, Community Impact		03/01/2009
12	End Detailed Environmental Technical Studies	Some Technological Documents may be available upon request (i.e., biology, visual, community impact, cultural)	02/01/2011
13	Prepare Draft Environmental Document (DEIR)	DEIR	01/31/2012
14	Circulate DEIR 45-60 days; public hearings		03/30/2012
15	Incorporate public comments on the DEIR		08/30/2012
16	Prepare Final Environmental Document and obtain approval	Final Environmental Impact Report	02/01/2013
17	FHWA review/approval of Project		04/01/2013
18	FHWA/California Department of Transportation Notice of Determination (NOD)	NOD	04/30/2013
19	Federal Consistency Determination (Fed Cons)	Fed. Cons	08/01/2013
20	FHWA/California Department of Transportation Record of Decision (ROD)	ROD	09/01/2013
21	ROD Appeal period (30 Days)		10/01/2013
22	Complete PA/ED		10/01/2013

**Table 2 Long-Term Project Solution to Erosion Along Highway 1
at Pescadero State Beach—Timeline**

	Activity/Document	Milestone (Meeting/or Deliverable)	Anticipated Date
23	Begin Project Specification and Estimates (PS&E), ROW Certification / Acquisition for long-term solution		11/01/2013
24	Begin environmental permit applications, including Coastal Development Permit (CDP)		02/01/2014
25	Local and Agency Task Force Meetings	Meetings (CCC staff to be invited)	02/01/2014 through 06/01/2018
26	Submit permit applications (including CDP Application)	CDP Application with project plans	05/01/2017
27	Obtain all permits	CDP (Department also to provide other regulatory agency permit requirements to the CCC)	06/01/18
28	Complete PS&E, ROW Certification / Acquisition for long-term solution		08/01/2018
29	Ready to List (RTL) & advertise		11/01/2018
30	Begin construction		01/01/2019
31	Complete construction		12/01/2021
32	Ribbon cutting	CCC and staff to be invited	12/15/2021

Note:

¹ Project Delivery Team (PDT) meetings will be held through out the PA/ED period. CCC and other agencies can be a part of the PDT meetings.

**Attachment 1 for replacement
Exhibit C (page 2 of 2 pages)**

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F6a

Filed:	2/4/07
180 th Day:	8/3/07
PSA Waiver:	7/18/07
270 th Day:	10/16/07
Staff:	M. Endicott-SF
Staff Report:	9/27/07
Hearing Date:	October 12, 2007

STAFF REPORT: REGULAR CALENDAR

Application: 2-05-013

Applicant: California Department of Transportation (CalTrans)

Project Location: Shoreline along Highway 1 at PM 13.4 and 13.6, in the vicinity of Pescadero State Beach, San Mateo County.

Project Description: Interim placement of 390 linear feet of rock slope protection to protect Highway 1 from coastal erosion at three locations at Post Mile 13.4 and 13.6, in the vicinity of Pescadero State Beach, San Mateo County, as previously authorized by emergency permits 2-020030G and 2-02-031G. The three 30 foot high rock structures cover an area of .34 acres. Two of the segments are 50 feet long and the third is 290 feet long. The project includes (a) proposed continued use of the revetments for five years (with potential for two five year extensions) while a long term solution for maintaining Highway 1 is developed; (b) ongoing monitoring and maintenance program for the rock slope protections; (c) lateral and vertical public access improvements between two parking areas and the beach at one of the locations.

Previous Commission Actions: Emergency Permits 2-02-030G and 2-02-031G .

- Other Approvals:** California Department of Transportation (CalTrans); California Department of Parks and Recreation (State Parks); U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Monterey Bay National Marine Sanctuary (MBNMS); California State Lands Commission (SLC); Regional Water Quality Control Board; US Army Corps of Engineers (COE). .
- Substantive Project Files:** Impact Analysis for San Mateo 1 Storm Damage Repair Near Pescadero Road (CalTrans, 2003); State Route 1 Roadway Re-alignment North of Pescadero Road Biological Assessment (CalTrans, 2002); The status of the San Francisco Garter Snake (*T. sirtalis tetrataenia*) and the California Red Legged Frog (*R. aurora draytonii*) within and adjacent to San Mateo 1 Roadway Re-alignment North of Pescadero Road Project Site (McGinnis, 2002). Desert Varnish Rocky Point Viaduct, Final Report (Oregon Department of Transportation, 1998).
- Staff Recommendation:** **Approval with Special Conditions**
-

SUMMARY OF STAFF RECOMMENDATION

CalTrans is seeking a follow-up permit for authorization of the installation of three Rock Slope Protection (RSPs) devices to protect Highway 1 from immediate undermining by erosion. These RSPs were installed pursuant to emergency permits granted in the winter months of 2002/2003. Caltrans also requests to maintain the RSPs for five years, subject to two, potential additional five-year development authorizations, while a permanent solution for maintaining Highway 1 is developed. This limited term authorization will allow for the through evaluation of alternatives, including realigning Highway 1, to be completed so that a permanent solution for maintaining the highway can be implemented. The project area is located on a coastal terrace, with a westerly slope, bordered by Pescadero Creek and estuary to the north, the Pescadero Marsh Nature Preserve to the east, agricultural lands to the south and Pescadero State Beach and the Pacific Ocean to the west. In addition to being a major south-north artery, Highway 1 is designated here as a State Scenic Highway, and many visitors and school trips frequent the area. There are three nearby public parking lots that provide access to the beaches and the marsh preserve trails.

Coastal Act Section 30235 requires shoreline structures to be permitted only when they are necessary to protect an existing structure in danger from erosion, and if they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. This section of the coast is subject to intense storm surge and continues to be eroded by wave action. Long-term average annual erosion for this stretch of coast has been estimated between 3-5 feet per year. The bluffs in the project area have been eroded over time and Highway 1 has already been relocated to the limits of the state's right-of-way. Highway 1 is an existing structure in danger from erosion for purposes of Coastal Act 30235. The RSPs are necessary to protect the highway and to ensure the continued use of it by the public until such time as a permanent solution (potentially including an inland realignment of the highway) can be realized. Commission staff worked with CalTrans during the emergency repairs to minimize the amount of rock used for the RSPs as much as possible. There are no feasible and less environmentally damaging *short-term* alternatives to RSPs at this time.

The RSPs are located in the vicinity of the mean high water mark, and they cover some bluff and beach area which affects sand supply and public access. A segment of informal blufftop public trail was lost with the most recent erosion events that threatened the stability of Highway 1. Special conditions require the applicant to work in conjunction with the State Parks, which manages the area, to develop an improved horizontal access above the longest northernmost RSP (Location 3) that replaces the previously lost trail and connects the parking areas at either end of the RSP. Vertical improvements to access the beach area in front of the RSP will also be provided by substantially repairing three storm-damaged stairways. The design of the RSPs (rock size and location) permit the applicant to conduct any necessary maintenance from the road side, obviating the need for use of construction equipment on the beach itself.

Staff supports the need for a detailed examination to create a permanent solution to the problem of maintaining Highway 1 along an eroding shoreline in a manner that avoids and minimizes long-term coastal resource impacts to the maximum extent feasible consistent with the provisions of Section 30235 of the Coastal Act. This includes evaluating the prospect of moving Highway 1 inland and out of harms way, possible construction of causeways, or other potential options. These evaluations will need to be considered with the complementary goal of enhancing coastal access as part of that effort, including realizing significant California Coastal Trail improvements in San Mateo County, and enhancing the experience of visitors to the Pescadero State Beach and Marsh Nature Preserve.

While the RSPs are approvable pursuant to 30235 of the Coastal Act as the least environmentally damaging feasible alternative to temporarily protect the existing highway until a long term solution can be developed, retention of the RSPs beyond the temporary time period would not be approvable because the least environmentally damaging feasible alternative to protect the existing highway for the long term has not yet been determined. With the special conditions required as part of this permit, including

removal of the RSPs when the temporary development authorization ceases and the imposition of specific benchmarks for progress on the alternatives evaluation to which the two potential additional five-year development authorizations are tied, this project meets the Coastal Act requirements necessary for approval of shoreline structures that protect existing structures and mitigates to the maximum extent feasible, consistent with Section 30235, significant adverse impacts on public access, sand supply and visual resources.

Staff recommends approval of the proposed project with special conditions to: 1) permit the retention of the RSPs only as a temporary measure; 2) require mitigation that improves public access to the beach and reduces visual impacts; 3) require an active monitoring and maintenance program; 4) require Permittee to report to the Commission on progress being made to develop a long term solution to the erosion problems that threaten Highway 1 at the current location; 5) permit the applicant to seek up to two additional five year development authorizations if significant progress is being made in developing the long term solution; and 6) require complete removal of the RSPs when development authorization ceases. (Note: the selection and construction of the final long-term alternative solution for addressing erosion will be authorized under a separate future coastal development permit).

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EXHIBITS

- A. Project Vicinity Map
- B. Project Site Map
- C. Timeline for Permanent Solution (See Special Condition 5)
- D. Revegetation Plan (See Special Condition 4)
- E. RSP Location 1
- F. RSP Location 2
- G. RSP Location 3
- H. Public Access Improvement Site Map
- I. Public Access Visual of Potential Trail Design at L3
- J. Public Access Visual of Potential Stair Design at L3
- K. Emergency Permits
- L. Cultural Resources Compliance Measures (See Special Condition 4)

STAFF NOTES:**Standard of Review**

The proposed development is located on beach areas between the first public road and the sea in an area operated by the State Parks, including Pescadero State Beach and Pescadero Marsh Nature Preserve. The location is considered tidelands, submerged lands or other areas subject to the public trust. Pursuant to Section 30519 of the Coastal Act, the Coastal Commission retains jurisdiction over the review and issuance of Coastal

Development Permits in these areas even though San Mateo County has a certified Local Coastal Plan. The standard of review for projects located in the Commission's original jurisdiction is Chapter 3 of the Coastal Act.

I. STAFF RECOMMENDATION

Coastal Development Permit Application 2-05-013.

The staff recommends conditional approval of the permit application.

Motion:

I move that the Commission approve Coastal Development Permit 2-05-013 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be

pursued in a diligent manner and completed in a reasonable period of time. Application for extension must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Scope and Length of Development Authorization

(A) This permit provides after-the-fact authorization for the construction of the RSPs at the three locations previously authorized pursuant to emergency permits 2-02-030G and 2-02-031G granted by the Commission. It also authorizes the RSPs to be maintained as constructed and in the same footprint, in conformance with the conditions of this permit, for five years from the date of Commission approval. The permittee may apply to the Executive Director up to two times for an additional five year development authorization. The Executive Director may grant up to two five-year additional development authorizations unless the Executive Director determines, consistent with Special Condition No. 5, either that the permittee is out of compliance with the terms or conditions of this coastal development permit or that the permittee is substantially out of compliance with the necessary targets and target deadlines set forth in Exhibit C. Application for extension of the 5-year development authorization period must be made consistent with the removal deadlines specified in Special Condition 1(B).

(B) UNLESS THE PERMITTEE HAS RECEIVED AN ADDITIONAL 5-YEAR DEVELOPMENT AUTHORIZATION FROM THE EXECUTIVE DIRECTOR, AT LEAST SIX MONTHS PRIOR TO THE END OF A 5-YEAR DEVELOPMENT AUTHORIZATION, the permittee shall submit for the Executive Director's review and approval, a detailed Rock Removal and Restoration Plan (Restoration Plan). The goal of the Restoration Plan shall be to remove the temporary RSPs authorized by this coastal development permit and to return the area occupied by rock, or impacted by construction, to its pre-rock installation condition or better. The plan shall describe all BMPs to be implemented and shall include measures to avoid impacts to public views and interference to public access during removal and site restoration activities (with the exception of necessary provisions to protect the public and workers during removal and restoration activities), and shall at a minimum include all of the construction requirements identified in Special Condition 3(D). The Restoration Plan shall provide for

the submittal of a final report documenting all removal and restoration activities, including a narrative description and photographic evidence, within three months after completion of removal and restoration activities. The temporary rock and associated structures authorized by this coastal development permit shall be removed and the site restored pursuant to the approved Restoration Plan no later than the date this coastal development permit authorization ceases (see Special Condition 1(A)).

2. Monitoring and Maintenance Measures:

(A) Bi-annual Visual Monitoring Protocol of RSP

Visual Monitoring shall be performed bi-annually (January and mid-year) at least for the life of the permit and shall include, at a minimum:

- i. Photographs of the RSPs which allow for comparison with those taken in previous years.
- ii. A written description of any rock movement or migration that has occurred on the site, particularly if it is out of place or encroached onto the beach.
- iii. A written summary of the conclusions derived from the visual assessment compared to the previous visual monitoring report relating to rock migration, settlement and bluff erosion.

(B) Annual Survey Protocol of RSP

i. Within 30 days after Commission approval of this permit, the permittee shall provide, for the review and approval of the Executive Director, "as built" plans showing the location of the permitted structure in relation to existing topography in plan view and cross section using the California coordinate system.

ii. Surveys of the RSPs shall be conducted annually. Copies of the survey (including the survey for 2007) shall be delivered to the planning staff of the North Central Coast District in the San Francisco office by October 1 of each year.

iii. The surveys shall enable evaluation of the condition and performance of the approved shoreline protection device, and include an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device. Data should include survey points and photographic evidence of the structures.

iv. If additional investigation is warranted, the report should include "As built" plans and/or photographs showing the areas prompting the investigation.

- v. An analysis of erosion trends, annual retreat, or rate of retreat of the bluff including identification of exactly where such measurements had been taken, e.g. by reference to benchmarks, survey positions, points shown on an exhibit, etc.
- vi. A description and documentation of any migration or movement of rock that has occurred on the site, and
- vii. Any recommendations for repair, maintenance, modifications or other work to the device needed to correct any damage, structural failures or weaknesses, including methods and materials to be used.

(C) Recommended Maintenance Work. If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall implement such activities consistent with the requirements of Special Condition 3.

3. Standards for Project Maintenance Work:

This coastal development permit authorizes future maintenance subject to the following:

(A) Definition of Maintenance. “Maintenance,” as it is understood in this special condition, means development that would otherwise require a coastal development permit whose purpose is: (i) to reestablish or place rock within the permitted footprint and/or profile of the Existing Rock; (ii) to retrieve any rocks that move seaward of the permitted footprint and/or profile of the Existing Rock and either restack them (within the approved footprint and profile) or remove them from the project area as soon as is feasible after discovery of the rock movement, and/or (iii) to temporarily leave in place a rock that falls from the RSPs out of the footprint if it is determined by the Executive Director, pursuant to Special Condition 3, that it does not pose a threat to public safety nor hinder public access, and that removal, before the development authorization ceases per Special Condition 1, would result in adverse impacts to coastal resources.

(B) RSP Repair and Maintenance:

- i. The permittee shall maintain the RSP for the life of the permitted structure.
- ii. This coastal development permit authorizes repair and maintenance activities only if carried out in accordance with all of the following conditions:
 - a) Maintenance and repairs shall be limited to removal, repositioning, or replacement of rock within the footprint of the approved revetment. The permittee shall be responsible for removing or redepositing any debris, rock or material that becomes dislodged after completion of the approved shoreline protection as soon as possible after such displacement occurs.
 - b) No expansion or enlargement of the approved revetment is permitted.

- c) No materials or construction equipment shall be placed or operated on the beach or within any area other than the footprint of the approved revetment, the Highway 1 right-of-way and the parking areas located above the RSP.
- d) Vehicular and equipment access to the RSP shall be via the Highway 1 right-of-way and the parking areas located above the RSP.

iii. If any required repair and maintenance activities are not those repair and maintenance activities identified in subsection 2, the permittee shall apply for a permit amendment for the repair and maintenance activities as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.

(C) Maintenance Notification. At least two weeks prior to commencing any maintenance activity (including a decision to leave fallen rock in place), the permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include: a detailed description of the maintenance activity proposed; any plans, engineering and/or geology reports describing the activity; a construction plan that complies with the Construction Plan requirements described below; other agency authorizations; and any other supporting documentation (as necessary) describing the maintenance activity. The maintenance activity shall not commence until the permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the activity complies with this coastal development permit and that the provisions of subsection (F) have not been triggered. If the permittee has not received a response within 14 working days of receiving the notification, the augmentation and/or maintenance activity shall be authorized as if planning staff affirmatively indicated that the activity complies with this coastal development permit. The notification shall clearly indicate that the maintenance activity is proposed pursuant to this coastal development permit, and that the lack of a response to the notification within 14 working days of receiving the notification constitutes approval of it as specified in the permit. In the case of an emergency requiring immediate maintenance, the notification of such emergency activity shall be made consistent with the provisions of 30611 and 30624 of the Coastal Act and their implementing regulations.

(D) Construction Plan. The maintenance notification shall include a Construction Plan that, at a minimum, provides for the following:

- i. Construction Areas. All areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on Highway 1, public access to

and on the beach, and to have the least impact on public views from Highway 1 and public access to the shoreline.

ii. Construction Methods and Timing. All construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas and to minimize public view impacts, shall be clearly identified. Construction shall be limited in duration as much as is feasible to limit overall construction impacts. The Plan shall ensure that all erosion control/water quality best management practices to be implemented during construction and their location are provided to the Executive Director prior to commencement of construction..

iii. Construction Requirements. The Plan shall include the following construction requirements specified via written notes on the Plan.

- a) All work shall take place during daylight hours and lighting of the beach area is prohibited.
- b) Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the work areas.
- c) Grading of intertidal areas is prohibited with one exception, as follows: existing rock that has migrated seaward of the RSPs, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- d) Equipment and materials shall be stored out of the ocean view as seen from Highway 1 if feasible.
- e) Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- f) No work shall occur during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- g) Equipment washing, refueling, and/or servicing shall not take place on the beach.
- h) The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash

receptacles during wet weather; remove all construction debris from the beach).

- i) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- j) During all construction, copies of the signed coastal development permit and the construction plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the construction plan prior to commencement of construction.
- k) A construction coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and in emergencies) shall be designated, and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- l) The permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.
- m) The permittee shall report any proposed changes to the approved Plan. No changes to the approved plan shall occur without a Commission amendment to the permit unless the Executive Director determines no amendment is legally required.

(E) Restoration. The permittee shall restore all areas impacted by construction activities to their pre-construction condition or better within three days of completion of construction.

(F) Non-compliance Provision. If, in the opinion of the Executive Director, the permittee is out of compliance with the terms and conditions of this coastal development permit at the time that a maintenance activity is proposed, then the maintenance activity that might otherwise be allowed by this coastal development permit, shall not be allowed until the permittee is in full compliance with this permit.

(G) Duration of Covered Maintenance. Future repair and maintenance under this coastal development permit is allowed subject to the above terms only for as long as this coastal development permit remains valid (see Special Condition 1(a)).

(H) Other Changes to the Project: Any proposed changes to the approved project shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

(I) Obtain Necessary Permits: BEFORE ANY CONSTRUCTION IS COMMENCED, the permittee shall obtain all necessary permits from local, other state and federal agencies. The permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance activities.

4. Public Access and Visual Improvement Mitigations

The permittee shall build, or contract with another public agency to build, the following public access and visual improvements:

(A) Trail

i. By December 31, 2009 the permittee shall build or cause to be built an approximately 1,000-ft long, 3-ft wide trail on the west side of Highway 1, connecting Pescadero State Beach's north and south parking lots, as shown in Exhibit H. The path shall have a firm, non-slip surface and meet the Americans with Disabilities Act (ADA) standards [Federal Guideline for Outdoor Developed Areas] and shall be consistent with the conceptual visual design depicted in Exhibits H and I.

ii. The trail's final design and alignment shall be submitted by the permittee for the Executive Director's review and approval no later than November 1, 2008.

iii. Before the permittee develops and submits a final alignment, the permittee shall consult with California State Parks and the Office of Historic Preservation to ensure that cultural or archeological resources are evaluated and impacts to any discovered resources avoided. This evaluation process will follow the "Cultural Resources Compliance Procedures" described in Exhibit L. If archaeological or cultural resources are found that might be affected by the trail, an alternative plan to avoid any negative impacts to those resources will be developed in close consultation with CalTrans Headquarters (which has assumed FHWA's Section 106 responsibilities), the Office of Historic Preservation and California State Parks. The plan shall be submitted to the Executive Director for review and

approval prior to its implementation and shall meet all requirements of Special Condition 4(A).

iv. If the Executive Director determines that archeological/cultural resource concerns prevent the construction of the trail or stairways as required by this permit, the permittee shall submit an application, within six months of that determination, for an amendment to this permit for the purpose of alternatively providing equivalent access improvement mitigations.

(B) Stairway Repairs

i. By December 31, 2009 the permittee shall repair or cause to be repaired three sets of beach access stairways, one in the proximity of the north parking lot, and two in the vicinity of the south parking lot at Pescadero State Beach as shown in Exhibit H and J.

ii. The stairways' final design and placement shall be submitted by the permittee for the Executive Director's review and approval no later than November 1, 2008 and shall be consistent with the conceptual visual design depicted in Exhibit J, including the use of native rocks at the borders and colorization of the steps to match the surrounding earth tones.

(C) Revegetation for visual mitigation at RSP site Location 3 shall be installed by the permittee at the earliest possible time in conjunction with the preparation of the terrain for construction of the trail specified at Special Condition 4 (a) (i). Only native, non-invasive plants of local origin, and listed in Exhibit D (Table 7-3), shall be used. All terms, methods and performance criteria described in CalTrans' "Appendix 7 Revegetation Plan" in the Attached Exhibit D shall be followed and met.

(D) Permeon Application and Monitoring.

i. The permittee shall develop and implement a Permeon Application and Monitoring program, in consultation with State Parks, to be submitted to the Executive Director within 120 days of Commission approval of this permit, for the application of Permeon to the L1 and L2 structures only. The plan shall be submitted to the Executive Director for approval before treatment is applied to L1 and L2 structures.

ii. If at the end of the first authorization period, the Executive Director determines that there have been demonstrable, and lasting, visual impact improvements without adverse impacts to coastal resources at L1 and L2, the

permittee shall develop a plan for the treatment of the exposed portions of L3 as well. The plan shall be submitted to the Executive Director for approval before treatment is applied to L3.

iii. The Permeon application and monitoring program for L1, L2 and L3 shall specify methodology and timing of application to assure maximum coverage without potential for runoff from excess application and without significant impacts to the public's ability to access the shoreline. Its application shall be consistent with the construction limitations contained in Special Condition 3.

iv. Permeon application shall be undertaken consistent with the approved plans.

v. An annual assessment (with a photographic record) of the durability and coverage shall be made at the same time as the annual RSPs monitoring survey pursuant to Special Condition 2. The report on the Permeon applications shall be delivered to the planning staff of the North Central Coast District office in San Francisco at the same time as the RSPs monitoring survey report.

5. Reporting on Progress for the Development of a Permanent Solution:

The RSPs authorized pursuant to this permit are temporary only, and are permitted to be maintained in order to provide a reasonable period of time to develop and implement a long term solution to the acute erosion threat to Highway 1 in this area. On an annual basis, with the first report due one year from the issuance of this coastal development permit, the Permittee shall submit a report to the Executive Director for review and approval demonstrating progress made that year toward the completion of a long term solution to the erosion problems in the project area. Progress shall be measured by the activities, targets, and target deadlines shown in Exhibit C of this report. If any target has not been achieved by the target deadline, then the annual report shall identify the steps to be taken to achieve the required target, and the anticipated time until the target is to be achieved. If, in the opinion of the Executive Director, the permittee is significantly out of compliance with the terms or conditions of this coastal development permit, or substantially out of compliance with the necessary targets and target deadlines in Exhibit C, then the Executive Director shall not extend the length of development authorization by an additional 5-year period as prescribed by Special Condition 1.

6. Area of Archaeological Significance

(A) If, during any of the maintenance activities, or the public access improvements pursuant to Special Condition 4 governed by CDP 2-05-013, an area of cultural deposits is discovered, all construction shall cease and shall not recommence except as provided below.

(B) In order to recommence construction following discovery of the cultural deposits, permittee shall submit a supplementary archaeological plan for the review and approval of the Executive Director, as well as to State Parks and the Office of Historic Preservation.

(C) If the Executive Director approves the supplementary archaeological plan and determines that the supplementary archaeological plan's recommended changes to the activities allowed under this permit are de minimis in nature and scope, construction may recommence consistent with the provisions of the supplementary archeological plan.

(D) If the Executive Director approves the supplementary archaeological plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

7. Permit Expiration and Condition Compliance

Because some or all of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of the permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares the following:

A. Project Location, Setting, and Description

1. Location and Purpose

The project area consists of three RSP installations located on the seaward side of Highway 1 along a half mile segment just south of Pescadero State Beach in San Mateo County (between post mile 13.4 and 13.6). These three RSPs were installed pursuant to emergency permits in the winter of 2002/2003. In this bucolic area, Highway 1 is generally bound on the east by rolling hills and cliffs. As one passes RSP Locations 1 and 2 (L1 and L2) heading north, Highway 1 abuts agricultural lands on the east and State Park lands (bluffs and coves) on the west. As one continues north on Highway 1, one sees the Pescadero Marsh Nature Preserve and then Pescadero Creek State Beach, where the tidally influenced Pescadero Creek is located. RSP Location 3 (L3), the northernmost, is located directly opposite the nature preserve. It is bound on the northern

and southern ends by two public parking areas that lead to vertical access points to the beach area in front of L3. Just north of L3 is Pescadero State Beach and a bridge.

The purpose of this permit is to: a) provide after the fact approval for development pursuant to two emergency permits granted by the Commission (2-02-030-G and 2-020031-G); b) make visual enhancement improvements (including revegetating the top of L3 (the largest RSP) with native plants and soil; c) temporarily permit the ongoing maintenance of these RSP installations to protect the structure of Highway 1 (thereby preserving public access to the area and along the coast pending implementation of a permanent solution for the erosion threat for Highway 1); and d) improve public access to mitigate the RSPs' impacts.

In this area, Highway 1 is a highly scenic south-north transportation corridor that offers incredible vistas and public access to beaches along the coast. In several areas along the coast, erosion has reached the edge of the highway and Highway 1 has in places been relocated to the inland edge of the right-of-way. Ultimately, a comprehensive plan for adapting to the ongoing erosion of the bluffs along Highway 1 (including realignment) must be developed. In the immediate project area, Highway 1 has already been relocated once, and there is no more room to move it eastwards in the immediate vicinity.

2. Setting

The Pescadero area is a major tourist and recreational destination. In addition Highway 1, which serves as a major public access artery for the area, runs south-north through the project area. Highway 1 is officially designated as a State Scenic Highway in San Mateo County, south of Half Moon Bay. Pescadero State Beach and marsh areas serve as an outdoor classroom for many school children. There are two public parking areas in the immediate vicinity of the project that provide vertical access to the beach below the bluffs and adjacent to L3.

Erosion has been episodic and highly variable in the project area. There are two types of erosive forces at work in the project site (wave energy and groundwater). Most of the erosion seems to be from wave action, but the saturation of the bluff by drainage from fields eastward across Highway 1 probably accentuates the erosive force of the waves on the bluff. Two significant projects to deal with threats to the serviceability of the highway in this area have already been done. In 1991, CalTrans replaced Pescadero Creek Bridge just north of L3. Scour in the winter of 2001/2002 required placement of rip-rap at the base of the bridge's support. In 2002, the bluff terrace to the west of the project site eroded seven feet in just two weeks over a length of 50 feet. The roadway was subsequently realigned as far east as possible within the right of way (approximately 20 feet to the east of the three RSPs).

The project location is at Pescadero State Beach. The dramatic coastline, the adjacent marsh preserve and easy beach access make this a popular area with the public and

school trips. In 2002, approximately 350,000 people visited the project area. Pescadero State Beach has three parking lots, two served by an entrance across from the Pescadero Road/Highway 1 intersection at the southern end of L3 and north of L1 and L2. The northernmost parking lot is at the northern end of L3 and connects to the south end of Pescadero Creek Bridge. Steep rocky bluffs rise from the beach to the edge of the highway, but there are vertical access points from the parking lots at the northern and southern end of L3 with vestigial stairs. The beaches at each of the specific RSP sites are generally narrow sandy coves, but the one at L3 is quite long (approximately 1000 feet), and depending on the tide and weather conditions, one can walk from one access to the other of the flanking parking lots along the beach in front of L3.

3. Biological Resources and Cultural Resources in Project Area

The development involved in this project is adjacent to the Pescadero State Beach and the Pescadero Marsh Nature Preserve. Prehistoric sites have been found in the general project area. East of the highway, opposite L3, is high quality coastal scrub community, dominated by coyote brush. Lands in active agriculture lie east of L1 and L2. The vegetation located in the construction area (west of the highway) is dominated by invasive ice plant (*Carpobrotus edulis*) monoculture. The biological assessment for the installation of these RSP devices in 2003, and the preconstruction surveys, concluded that there is no effect on the red legged frog or the San Francisco garter snake because all of the activity takes place on the west side of Highway 1 where there are steep and eroded bluffs, and lack of suitable habitat for the species. The species that do frequent the general Pescadero area include: the snowy plover (*Charadrius alexandrinus nivosus*), the California brown pelican (*Pelecanus occidentalis californicus*), the California least tern (*Sterna antillarum browni*), the Pacific Harbor Seal (*Phoca vitulina richardsi*) and the Stellar sea lion (*Eumetopias jubatus*).

Prior to the emergency work being done in 2003, a survey for cultural resources in compliance with Section 106 of the National Historic Preservation Act was done. In coordination with the Park Service, a comprehensive archaeological survey was conducted in August of 2003 for the area between Pescadero Creek Bridge and Bean Hollow State Beach (about 3 miles to the south of the project area). A previously recorded archaeological site was located in proximity of L1. It is not expected that ongoing maintenance activities, as designed and conditioned, will affect the archaeological site.

4. Description of Proposed Project

After the Fact Authorization for Three RSPs Installed Pursuant to Emergency Permits

The total impacted project area is 0.34 acres. The project is made up of three RSP installations: a) L1(furthest south) impacts about 0.05 acres. It is about 46 long, 46 feet wide and 30 feet high. b) L2 (in the middle) also impacts about 0.05 acres. It is about 52

feet long, 43 feet wide and 30 feet high. c) L3 (furthest north and the biggest) covers about .024 acres. It is 290 feet long, 36 feet wide and 27 feet high.

For L1 and L2, geotextile fabric was used against the vertical bluff face where the slides had occurred. The areas were then filled with 4 ton Franciscan Greenstone rocks from a quarry in Vallejo. Altogether, 2,444 cubic yards of material was used at these two locations. The work was done from the bluff top.

For L3, similar construction design was used, but the placement of the toe mound required the use of an excavator from the beach itself. CalTrans received a waiver from the Commission (2-03-030-W) for the re-contouring and revegetation activities for the equipment ramp to the beach. In addition existing State Park stairs leading from the parking lot to the beach were repaired. Approximately 4,536 cubic yards of material was used for L3. The revegetation and re-contouring work was completed in December of 2003.¹

The RSPs abut a near vertical bluff face. Erosion of the bluff occurs primarily through attack by waves followed by mass wasting of the bluff edge and upper bluff. A survey of settlement in the three RSPs was performed in the spring of 2005. The survey of 2006 confirms that no work needs to be done on the RSP at this point, but this project includes authorization for ongoing maintenance activities.

No baffles are proposed as part of this project. Should the permittee feel that pursuant to future bluff and RSP surveys, baffles should be considered, an amendment to this permit or a new permit, shall be required.²

Maintenance and Monitoring Program

The Maintenance and Monitoring Program consists of the following activities: a) replacing lost rocks if necessary; b) performing annual surveys; and c) conducting visual inspections and photodocumentation biannually and after large storm events.

Currently, no rock replacement for maintenance purpose is expected for any of the locations. Any rock replacement will be positioned by crane from the road under supervision of CalTrans. No temporary access roads or ramps are proposed as part of this project description.

If it cannot be reached from the road above, dislodged rock from the RSPs, may be temporarily left in their location, consistent with Special Condition 3, unless there is a

¹ Other permits: At the time of installation of the three RSPs, in addition to the permits obtained from the Commission, the Permittee obtained permits from the MBNMS (MSNMS 2003-001), the USACOE (File No. 27525S). All three of the RSP locations are on State Parks Property, and the activities that would take place are being coordinated with State Parks.

² The baffles that were being considered by CalTrans would have been rows of boulders placed seaward of the edges of the RSPs and oriented to dissipate wave energy before it gets to the RSP or adjacent areas.

concern for public safety or interference with public access. This approach alleviates the need for operating heavy equipment on the beach and would be more environmentally protective. The expected design life of the RSPs is 10 to 15 years. Survey results (from 2003 to 2007) indicate that the RSPs are maintaining structural integrity.

B. Shoreline Structures

Coastal Act Policies

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. ...

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” methods, such as gabion walls, designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 only mandates the construction of shoreline protective works if they are required to serve coastal-dependant uses, or to protect existing structures or public beaches in danger from erosion, provided they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, alteration of natural landforms and overall shoreline beach dynamics on and off site which may ultimately result in the loss of public beach. The Commission must always consider the specifics of each individual project, but under the standards established by Section 30235, prioritizes alternatives that avoid the necessity for shoreline structures that armor the shoreline and alter the natural dynamics.

Under section 30235, the Commission must approve a shoreline structure, such as the RSPs which are the subject of this application, only if (1) it is required to protect an existing structure in danger from erosion and (2) it is designed to eliminate or mitigate adverse impacts on shoreline sand supply.

Existing structure: Highway 1 at this location predates the coastal permitting requirements of Proposition 20 (the “Coastal Initiative”) and the Coastal Act, and it is considered to be an “existing structure” for the purposes of Section 30235. However, sections of the road have been relocated since its initial construction and portions of the road near the project site have been relocated as recently as 2001.

In Danger: The Coastal Act does not define the term “in danger.” Clearly there is some risk in maintaining development along a California coastline that is actively eroding and subject to violent storms, large waves, flooding, earthquakes, and other hazards. These risks can be exacerbated by such factors as sea level rise and localized geography that can focus storm energy at particular stretches of coastline. As a result, some would say that all development along the immediate California coastline is in a certain amount of “danger.” It is the degree and timing of threat that distinguishes between danger that represents an ordinary and acceptable risk, and danger that requires shoreline armoring pursuant to Coastal Act Section 30235. The Commission’s long practice has been to evaluate the immediacy of any threat in order to make determinations as to whether an existing structure is “in danger.” While each case is evaluated based upon its own particular set of facts, the Commission has generally interpreted “in danger” to mean that an existing structure would be unsafe to use or otherwise occupy within the next two or three storm season cycles (generally, the next few years) if nothing were to be done (i.e., a no project alternative).

Bluff erosion in the project area has been episodic and highly variable. In addition to the wave action of severe storm events that triggered the collapse of large sections of the bluff, there is drainage from nearby fields which collects in unlined drainage ditches that parallel the highway. As noted by Kim Fulton and Lauret Savoy in *Living with the California Coast*³ the coast immediately south of Pescadero Creek consists of low terraced hills and infrequent small pocket beaches. Many parts of the coast are highly resistant rock with short segments of more erodible bluff that support the formation of pocket beaches. The resistant rock is sandstone, mudstone and boulder conglomerates, topped by thin layers of terrace sand. This type of shoreline can remain relatively stable for a number of years, then experience multiple years of erosion and bluff retreat and return to relative stability. In the early 1980s when Fulton and Lauret wrote about this section of the coast, they noted that this shoreline probably has not eroded significantly till the El Niño storms of 1982/83. In recent years, these bluffs have experienced repeated cases of erosion and there is no indication that this trend is about to subside. Comparison of aerial photography between 1980 and 1998 in the area, show retreat of the bluff edge north of L3 of approximately 52 feet (3 feet per year) and about 92 feet (5 feet per year) south of L3. The 2001 realignment of Highway 1, when the road was moved eastward 20 feet, was an earlier effort by the Permittee to avoid the impacts to the bluffs and the beach of a RSP design response to stem the erosion undermining the highway. By December of 2002, however, the bluff edge had been eroded to within 10 to 13 feet of the realigned highway and in January 2003, erosion was again at the edge of the highway.

If the erosion at this site is averaged over a time period that would include the years of stability, the bluffs would be expected to have a rather low erosion rate. Taking only the recent trends in bluff retreat, these bluffs are now exhibiting very high rates of erosion, averaging three to five feet per year. The actions CalTrans has had to undertake in recent years in response to the erosion in the project area attest to the uncertain and severe

³ Griggs, Gary and Lauret Savoy (editors) (1985) *Living with the California Coast*, Duke University Press.

nature of shoreline erosion. The structural integrity of Highway 1 roadbed has been immediately threatened twice since 2001. The Commission's staff geologist has evaluated the degree of threat to Highway 1 at this location and concurs with the above threat assessment.

The annual surveys indicate that the RSPs are maintaining their integrity and the immediate threat has been abated for now by the structures sufficiently to allow time for development of a permanent solution.

The Required Alternative

Under Section 30235, the proposed RSPs must be approved (and temporarily remain in place) as the appropriate response to the erosion risk only if they are "required" to protect an existing structure in danger from erosion. In other words, armoring shall be permitted if it is the only feasible⁴ alternative capable of protecting the endangered structure. When read in tandem with other applicable Coastal Act policies protecting coastal resources as cited in these findings, the project is required if it is the least environmentally damaging feasible alternative that can serve to protect existing endangered structures. Other alternatives typically considered include: the "no project" alternative; abandonment of threatened structures; relocation of the threatened structures; sand replenishment programs; drainage and vegetation measures on the bluff top itself; installation of vertical walls, and combinations of each. In this case, the no project alternative (the immediate removal of the RSPs) would not protect the existing endangered structures, so it is not a feasible less environmentally damaging alternative. Nor is it desirable with respect to maintaining public access and recreation along this stretch of coast. Abandonment of Highway 1 at the site would cause a major interruption of travel for commuters, visitors, businesses and public access to the beach and state park.

Erosion in this area of the coast presents an ongoing, long term threat to the structural integrity of Highway 1. This Permittee does not intend for this permit to substitute for a permanent solution to that danger, and this ratification of the emergency installation of the RSPs, and permit for the ongoing monitoring and maintenance program (per Special Conditions 2 and 3) is not intended to constitute a permanent solution to that danger.

In the selection of its emergency response, in 2003, CalTrans did not propose realignment of Highway 1 because only a minor adjustment eastward was possible and it only would have achieved an additional one year of protection. As noted above, as the road had just been realigned to the maximum extent possible within the existing right of way, further realignment would have required encroachment into Pescadero Marsh Reserve and other coastal resources. Environmental review, budgetary constraints and permitting processes would have a lead time much longer than the time available for response before

⁴ Note that Coastal Act Section 30108 defines feasibility as follows: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

predictable failure of the integrity of the highway. Various wall designs were considered and rejected as being infeasible because they would not sufficiently prevent slumping out of the marine terrace free face nor dissipate the wave energy enough to adequately limit bluff erosion. The RSPs were chosen because they: 1) would dissipate wave energy and protect the bluff; 2) could be modified or removed completely with the least impact to the beach;⁵ and 3) would cause the least impacts to shoreline sand supply. The RSPs were designed with a toe mound, rather than a key trench at the suggestion of Commission to facilitate removal and to avoid permanent damage to the beach.

As part of this application, CalTrans has evaluated a range of alternatives for interim protection measures, including: 1) no revetment/remove the rock immediately; (2) maintain RSPs and their footprints as necessary to protect the existing roadway until a long term solution is finalized, and then remove all of the rock; (3) remove rock and install other “hard” shoreline protective measures (e.g., seawalls, groins, etc.); and (4) move Highway 1 to a more inland location.

The “no revetment” alternative leaves unchecked the natural erosive processes which will inevitably undermine the present roadbed of Highway 1 within the project area. The only question is how long, within the near future, it will take for erosion to reach the highway again. As discussed, this section of coast is subject to intense storm surge and continues to be eroded by wave action. The annual long term erosion rate for this area is 3 to 5 feet per year, and during individual episodic events more than 10 feet of bluff loss at a time have been documented. The Commission’s experience with shoreline change in this area over the last few years indicates that erosion can occur very rapidly at this location. The bluff edge within the project area is close enough to the highway that imminent risk of damage to the highway exists in this area due to this relatively high rate of erosion and the documented potential for large sections of bluff to retreat in individual storm events. As a result, the “no revetment” option is not a feasible, less environmentally damaging alternative to protect the existing endangered structure at this time.

The alternative to replace the RSPs with some other type of “hard” shoreline structure (e.g., concrete seawalls, crib walls, interlocking block or jacks, etc.) is best understood as a different type of armoring as opposed to a true alternative to RSPs.

Perhaps the most permanent alternative to the erosion problem would be to move the endangered structure, Highway 1, out of harms way, a relocation alternative. But due to the location of the project in a State Park and the highway being bounded to the east by the Pescadero Marsh Nature Preserve and actually farmed agricultural lands, there are many legal, environmental and engineering issues to evaluate and the planning process alone will take several years to complete (See Exhibit C).

The “maintain the existing RSPs” alternative is the proposed project. This is the alternative that is the least intrusive shoreline protection option that will give the

⁵ The ability to completely remove the emergency response (RSPs) was a requirement of the emergency permit issued by the Commission.

Permittee time to develop and implement a long term solution to the ongoing erosion problem. RSPs have a flexible design, can be supplemented or rearranged, absorb a great amount of force, and can be placed by crane, eliminating the need to encroach onto sensitive bluff, beach, and intertidal areas. Most importantly, when RSPs are placed without a keyway or excavation into the bedrock, they can be removed leaving virtually no trace of having been there.⁶ This is particularly relevant given the proposed project includes removal of the rock when highway realignment, or some other more permanent and less intrusive solution is selected. By allowing for a five-year development authorization (with two potential additional five-year development authorizations), the CDP recognizes and responds to the permitting and construction realities associated with developing a long term solution to the severe erosion issues in this area.

Given that the applicant is not proposing a permanent shoreline protective device, but only RSPs that are necessary to protect the existing highway from erosion while a long term solution is pursued, the long term impacts of the RSPs were not evaluated. Because the temporary RSPs are the least environmentally damaging feasible alternative required to temporarily protect an existing structure until a long term solution is pursued, section 30235 requires its approval as a temporary protection measure. However, retention of the RSPs beyond the maximum 15-year period authorized by this permit would not be consistent with Section 30235 because the RSPs have not been determined to be the least environmentally damaging feasible alternative to protect the existing highway for the long term. Special Condition 1 limits the maximum duration of this approval to 15 years, and requires that the RSPs be removed before development authorization ceases. The Commission finds that a maximum 15-year length of development authorization is adequate and necessary because it is not expected that the RSPs would last as a permanent solution due to severe erosion exacerbated by winter storms. Further, as explained above, 15 years provides adequate time for obtaining the necessary local approvals for the long term solution. Only as conditioned can the Commission find that the proposed temporary placement of the RSPs is consistent with Section 30235 of the Coastal Act.

As some form of shoreline protection is needed in the interim, the choice to keep the existing RSP in place has an important advantage to minimizing impacts stemming from any required ongoing monitoring and maintenance program (pursuant to Special condition 2 and 3). The design of the RSPs enable maintenance work to place or adjust any rock in the RSP to be accomplished by crane from the road above the RSPs. This factor obviates the need for use of construction equipment on the beach which would extensively disturb both the bluff and the beach since a new ramp would need to be reconstructed to access the beach. Monitoring of the site has not identified rock migration to date to be an issue. A comparison of potential rock retrieval methods was done in the Geotechnical memo (September 27th CalTrans Response to CCC Comments.

⁶ This is evidenced in a recent Commission action that required the removal of rock rip-rap in Shell Beach, also in San Luis Obispo County. The removal of rocks at that location appears to have left no visible traces of impacts to the bluff and beach area.

Table 1 in Appendix 1). They evaluated: backhoe, spider rig, and excavator from the beach, crane or winch from the roadway, helicopter and manual removal. As planned, placement and maintenance work can be completed by crane from the road.

Endangered Structures Conclusion

In conclusion, the proposed temporary RSPs represent the most appropriate temporary solution for protecting Highway 1 until a long term solution can be realized. The RSPs will result in coastal resource impacts (including on sand supply, beach recreational opportunities, and public views) requiring mitigation (see below), but they represent the least environmentally damaging feasible solution in this case. By allowing for a five-year development authorization (with two potential additional five-year development authorizations), the CDP recognizes and responds to the permitting and construction realities associated with developing a long term solution to the severe erosion issues in this area.

It should be noted that, in making this finding, the Commission expects that CalTrans will make steady progress towards realizing a long term solution. As a means of codifying that expectation, and in consultation with CalTrans, a series of benchmarks have been established that can be used to ensure that the long term solution effort remains “on track” (see Exhibit C). It is because this long term solution is necessary and being pursued that the RSPs can be found consistent with the policies of the Coastal Act at this location, and it is only if that long term solution is achieved that the Commission can find this project consistent with the Act in that regard (see special Condition 5).

In making this finding that a long term solution is necessary, the Commission notes that it may prove desirable and/or appropriate to preserve all or a portion of the existing roadway. Even if realignment of Highway 1 is the selected long term solution, the possibility of preserving the existing highway as a segment of the California Coastal Trail (CCT) network may be necessary. This project is within the area managed by State Parks for its beach and marsh nature preserve. Future access, recreation and habitat protection needs will be evaluated and addressed as part of the long term solution environmental review and coastal permit processes. A coastal development permit, and potentially a Local Coastal Program amendment will be required for the long term solution prior to the termination of this authorization. In order to approve these RSPs as interim measures, this permit requires that the rock must be removed before the development authorization ceases. Therefore, the Commission has imposed Special Condition 1(B).

Mitigation of Impacts to Sand Supply

Under Section 30235, any proposed shoreline structure that is appropriate under the “existing structure in danger” test described above must also be designed to eliminate or mitigate adverse impacts to shoreline sand supply. Shoreline armoring measures, including RSPs, lead to adverse impacts to local sand supply by encroaching onto the existing sandy beach (often called “placement loss”), preventing sand material in the

bluff from entering shoreline sand supply during natural bluff retreat and preventing the development of new sandy beach that would be created as the bluff face retreated landward. These impacts from shoreline armoring lead to the loss of beach area and beach access as well as a reduced area of downcoast sandy beaches fed by bluff erosion.

The project is located in the Santa Cruz littoral cell. Generally, the sand supply in this cell receives the vast majority of its sand from streams, with lesser amounts coming from bluff erosion and gulying. San Gregornio Creek, the second largest watershed in the northern portion of the littoral cell, empties into the coast about 3.7 miles north of the project site. Pescadero Creek, immediately north of the project area, empties into the ocean just north of L3. The amount of sand supplied by these creeks is unknown, but creeks along the area are known to be aggrading (i.e., they are rising due to deposition of sediment). Pescadero Lagoon closes to the sea on an annual basis generally. There is also extensive gulying northwards of Pescadero Creek from past grazing and timber activities that increase stream inputs in this area. Due to the close proximity of the RSP sites to these creek inputs, the 394 combined linear feet of the RSPs do not constitute a significant obstruction to the primary sand supply in the area that is obtained from the streams.

The proposed RSP will armor 390 feet of coastal bluff and prevent this section of the bluff from adding sand to the littoral cell. The volume of sand contributed to the cell by this section of the coast can be estimated from the exposed area of bluff face, an estimate of the percentage of sand in the bluff face and the expected erosion that will occur during the time the RSP is in place. The RSP will cover approximately 10,770 square feet of bluff face. Assuming the erosion in this area could be 3 feet per year for unarmored sections of the coast and the bluff face is 50% sand, the RSP would trap approximately 9,000 cubic yards of sand over the next 15 years⁷. The RSP will cover 0.34 acres of existing sandy beach. And, by preventing bluff retreat for 15 years, the RSP will prevent the exposure of an additional 0.41 acres of shore that could potentially have become sandy beach.

RSPs can also block littoral drift, further affecting beach formation and retention. The RSPs have design features intended to reduce potential for constraining sand supply while they are in place, including: a) lack of a key trench (reduced footprint); b) location of the RSPs so only nominal possible impact on lateral littoral flow; and c) a reduced RSP rock size (from 8 tons to 4 tons) to facilitate removal. In addition, the impacts due to reduced bluff erosion are conditioned by the Commission to specify that the RSPs are temporary. CalTrans has committed in part, and the conditions of approval require, removal of the rock for this purpose. Thus, the sand supply impacts are limited to the time during which any rock is in place, and are not permanent.

Conclusion

The Commission finds that the temporary RSPs are required to protect an existing

⁷ $(110,770 \text{ sq. ft} \times 3 \text{ ft/yr} \times 15 \text{ yrs} \times .50 \text{ sand/total volume}) / 27 \text{ cu.ft/cu.yd.}$

structure, Highway 1, pending development of the long term solution for addressing erosion threats to the highway at this area, and that no feasible less environmentally damaging alternatives exist at this time. Sand supply impacts that aren't avoided are mitigated by project design to the maximum extent feasible, including by the temporary nature of the rock as proposed, and therefore, the project, as conditioned, is consistent with Coastal Act Section 30235. Therefore, the proposed seawall must be approved, even if otherwise inconsistent with the Chapter 3 policies of the Coastal Act. As discussed in the findings below, even where the Commission finds the proposed RSPs inconsistent with other applicable Coastal Act policies, the proposed temporary RSPs are approvable pursuant to Section 30235 of the Coastal Act.

C. Public Access

While Section 30235 requires the RSP's temporary approval as the least environmentally damaging feasible alternative to temporarily protect the existing highway until a long term solution can be developed, conformance with other applicable Coastal Act policies is required to the maximum extent feasible. A discussion of the project's consistency with public access and visual resource protection policies of the Coastal Act is detailed below.

Coastal Act Policies

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30214(a) of the Coastal Act states:.

The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. ...*

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Analysis

Highway 1 is a major south-north artery for both local residents and visitors to access many coastal and marine related activities. It is recognized as a world class scenic travel route along this portion of the coast and, as such, is designated a State Scenic Highway. The various components of this project involve work in areas either in the State's right of way of Highway 1, or on portions of State Parks' lands in the public parking lots in the area or in the RSPs on the beach.

As previously described, the project is located within the Pescadero State Beach and Marsh Nature Preserve area under the management of the State Parks. Highway 1 itself is the dominant public access and recreation feature of this stretch of coast, and its edge remains the de facto California Coastal Trail. Public access along the beach and immediate shoreline in the project area is also somewhat difficult due to the natural

topography of the area. For the length of the project area, a fairly steep sandstone bluff averaging approximately 30 feet in height limits easy vertical access to the beach from Highway 1. Access to the beach exists from the parking lots in the area, but only vestiges of stairways to the beach exist from the parking lots in the area of L3 are in various states of disrepair. L1 and L2 are located along a very steep bluffs where no current or historical stairways lead to small pocket beaches below. Although the ocean reaches the bluffs at many points at high tide, and some weather conditions render the beaches impassable at these times, there is lateral access along the shoreline at lower tides, especially along the seaward side of L3.

The subject RSPs extend onto the beach roughly 36 feet to 46 feet. The total area of beach covered by the RSPs is significant – approximately .34 acres of sandy beach coverage. L3 which shapes the eastern (shoreside) edge of the longest and most accessible beach is 290 feet long, 36 feet wide and 27 feet high. This beach coverage adversely impacts beach recreational access in a variety of ways. First, the area of sandy beach area covered is not available for public recreational use. Given the already transitory nature of the pocket beaches in the project area, this loss of sandy beach is magnified.

Further, because of the area of beach covered and the shoreline configuration, the rock inevitably blocks lateral access along the beach, particularly at higher tides. With respect to the sand supply impacts referenced in the previous finding above, the RSPs continue to cover beach sand and continue to block bluff materials that would otherwise naturally erode and be added to the shoreline sand supply system, thus also adversely affecting beach access by reducing natural contributions to sandy beach formation and retention; this impact is exacerbated at this location given that the beaches are not very large to begin with.⁸ In the interim, RSPs have had, and will continue to have for as long as they are present as proposed, an adverse impact on beach recreational access because they block the aforementioned contributions to the shoreline sand supply system, thus adversely affecting beach access by reducing natural contributions to sandy beach formation and retention. See discussion above relating to bluff erosion pages 21-22 and

⁸ Experts generally agree that where the shoreline is eroding and armoring is installed, as is the case here, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline fronted by a beach, the beach will be present as long as some sand is supplied to the shoreline and the beach is not submerged by sea level rise. As erosion proceeds, the beach also retreats. This process stops, however, when the retreating shoreline comes to a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, shoreline retreat in front of the armor stops. Eventually, the shoreline fronting the armor protrudes into the water, with the mean high tide line fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor. These effects are also known as “passive erosion.”

mitigation of sand supply pages 26-27).

In sum, the RSPs have had, and will continue to have, for as long as they are present, adverse impacts on public beach and recreational access as described above. The Commission finds that the RSPs are inconsistent with the public access policies of the Coastal Act, and the public access impacts must be mitigated to the maximum extent feasible consistent with Section 30235 of the Coastal Act.. Mitigations for such impacts that have historically been considered by the Commission include offsetting acquisition of bluff/beach areas in the vicinity, sand mitigation fees (for sand loss specifically), beach loss mitigation fees (for loss of beaches more broadly), removal of other impediments to beach access in the vicinity (such as removal of unnecessary revetments, etc.), and construction/provision of other access improvements (stairways, paths, boardwalks, etc.), etc.

In this case, Highway 1 represents the main route for, and primary form of, public access to and along the shoreline in southern San Mateo County. More generally, the highway is the de facto California Coastal Trail for this stretch of coast. In short, Highway 1 is a significant access feature of major importance to the State and visitors to it at this location. Furthermore, CalTrans proposes to make additional access improvements through construction of a new connector trail atop the RSP at L3, re-linking the two parking lots on either side for pedestrians.

Surveys of the existing structures indicate that they are holding up well and there is no apparent rock migration occurring out of the RSPs. However, depending on storm events and further erosion, some maintenance work is likely to be necessary. As described, maintenance work will be performed from the top of the bluffs by crane which will minimize the direct impacts on public access to the beach. Temporary delays on the highway and use of the parking areas for staging will cause some conflict with use of the public access either at the sites or traveling along the highway. Special Condition 3 regarding construction requirements mitigates these conflicts to the maximum extent feasible consistent with the provisions of Section 30235 of the Coastal Act.

Public Access Improvement Mitigation: The width and the recontoured slopes of the RSP at L3 provide an opportunity for constructing and replacing an informal trail connecting the parking lots south to north of L3,. Moreover, this connector will become part of the California Coastal Trail network and will make the walk more pleasant by allowing people to be further away from, and at a lower, more protected elevation than, the cars speeding by on Highway 1.

CalTrans has proposed various improvements as mitigation for public access and visual impacts by constructing this path and stairways. The general parameters describe a path that is 1,000 feet long and 3 feet wide that will meet ADA requirements through the application of Federal Guidelines for Outdoor Developed Areas. It will connect the north and south parking lots that bracket L3, the longest RSP, with the biggest beach. The path will cross the top of the RSP at a gentle slope of a grade at less than 5%. Hugging the

bluff, the path will have at least a 2 foot buffer between its and the embankment. There is one drainage ditch that will need to be crossed by means of a small bridge. Pathway construction will include clearing and grubbing a 3 foot wide area across the bluffs. Pending review, per Special Condition 4, some leveling of the top of RSP L3 will be done by filling with rock, gravel and top soil. The path will be made of slip resistant by adding a layer of soil cement which will give it a natural appearance. The edge of the bridge will have wheel guides, but will have minimum vertical profile.

Three improved sets of stairs that access the beach will also be installed to replace the dilapidated stairs now there. Previously, these stairs had been built with wood frames and filled with sand, but winter storms wash away the sand and leave only the frames. In an effort to withstand the wave action from winter storms and reduce maintenance, the stairs will be made from reinforced concrete with integrated coloring to match the surrounding bluff and rock colors. In addition, stones from the beach will be added to the sides of the stairs to soften the visual edges and blend the stairs into the beach setting. (This approach yielded a durable and aesthetically pleasing result at the nearby Whalers' Cove staircase at Pigeon Point Lighthouse.)

While Pescadero Beach to the north of the project area attracts many visitors, the proximity of Highway 1 to the edge of the bluff at the project location constrains lateral access along the seaward side of the bluff between the three parking lots, and the presence of the RSP at the base of the bluff constrains lateral access when travel along the beach is possible. In this case, maintaining the temporary rock structures represents the least environmentally damaging feasible alternative for the protection of Highway 1 in the near term until a long term solution can be developed and implemented. The impacts to beach recreational access, while significant, are thus offset and mitigated to the maximum extent feasible consistent with Section 30235 by ensuring that the RSPs are only temporary and are eventually removed, while both improving and maintaining public access to the beach along this section of Highway 1. To ensure that these access improvements are implemented in a timely fashion, Special Condition 4 requires CalTrans, in consultation with State Parks and the Commission, to develop the lateral access trail atop the RSP and along the bluff in the project area and to improve vertical access by replacing three existing stairs that are in a decrepit condition no later than December 31, 2009.

Conclusion

Overall, within the context of the critical importance of Highway 1 for coastal access, temporary beach access and recreational impacts can be mitigated (including viewshed impacts – see also findings below). Permit conditions limit the length of development authorization, require RSPs removal and restoration at the end of the term, and require annual progress reports and enforceable benchmarks to ensure impacts are limited to the degree feasible. With these conditions and the access improvement mitigations required, the proposed project can be found consistent with the Coastal Act's access and recreation policies to the maximum extent feasible consistent with Section 30235.

D. Scenic and Visual Qualities

The coast in the Pescadero State Beach area, is renowned for its natural beauty. In this area, Highway 1 is designated as a State Scenic Highway. To the west is the expanse of the Pacific Ocean and to the southeast land in agricultural production. To the northeast is the Pescadero Marsh Nature Preserve which, aside from diking, has little in the way of human structures to interrupt the natural ambiance. There is no commercial and residential development nearby and the town of Pescadero is set back about 2 miles from the highway. Portions of RSPs can be seen from Highway 1 and the public parking lots that are located south and north of L3. The RSP at L1 and L2 are not visible from the parking lots and minimally visible from Highway 1. Although the highway passes very close to the edge of the bluffs, the beaches at the RSP locations are 30 feet below the bluff tops and therefore visually separated from the traffic above. The RSPs, by design, rise 30 feet up the bluff walls from the beach and so they primarily affect the visual experience of being down on the beach itself.

Coastal Act Policy

Section 30251 of the Coastal Act provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30240(b), previously cited, which also protects the aesthetics of recreation areas such as those involved in this application. states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As previously described, this area serves as an excellent outdoor classroom for many school field trips where they and the many visitors can: 1) see open ocean marine life passing by on their migration routes offshore in the MBNMS just offshore; 2) experience the dynamic intertidal habitat of the pocket beaches in the project area with the ocean at ones feet and a steep bluff wall at ones back; 3) stroll from the Pescadero Creek outfall through large sand dunes, up into estuarine habitat that gradually morphs into a large marsh area bordered by tall trees as one proceeds inland from the coast. Beyond that are

rolling hills. In short, the area is a highly scenic area as that term is understood in Coastal Act context.

In this context, the RSPs are visible, and adversely affect the overall public viewshed and aesthetic by introducing large rock into the back beach area along the bluffs bordering Highway 1. This impact is impossible to mask completely given the physical nature of RSPs. In some cases, this impact can typically be softened by the use of native landscaping at the blufftop edge to help camouflage the piles of rock. However, this impact can be partially tempered by the location of the rock at a lower beach elevation as seen from travelers on the highway and naturally occurring vegetation on the bluff top and along its edge that help camouflage the rock.

Bluff Top Trail Mitigation: Even with the proposed soil coverage and landscaping at L3, the RSPs will still adversely impact public views, particularly from the beach level. It is not feasible to vegetate L1 and L2 because of steepness of the rock slope plain or and the lower portion of L3 due to exposure to wave activity which would wash away the soil and plants (about 14 feet up the side of L3. Along the top of the L3 in particular, the applicant has proposed significant revegetation efforts by filling in the spaces along the top with smaller rocks, gravel and soil a soil mix with grasses and plants native to the coastal bluff including coastal brush lupine (*Lupinus arboreus*), California coastal brome (*Bromus carinatus var.maritimus*), California Sagebrush (*Artemisia californica*) and seaside golden yarrow (*Eriophyllum staechadifolium*). (See Exhibit D). Monitoring and maintenance will continue for a minimum of three years, or longer, until the area has relative vegetation cover of 70% or higher.

In addition, access to the beaches in the project area can be made from the parking lots that bracket L3 but the trails down to the beach areas terminate with dilapidated stairs that are also dysfunctional.. These stairs will be repaired and upgraded to better withstand storm impacts pursuant to the Public Access Mitigation program contained in Special Condition 4. Designing the stairs to make them blend in as much as possible will be done in consultation with the Commission and State Parks.

Rock Staining: Permeon: In its application, CalTrans proposed to stain the RSPs at L1, L2 and the lower, unvegetated portions of L3 with Permeon to shift the color from the grey of the rock to a more brownish shade appropriate to the area. Permeon is an aqueous (water based solution) containing sulfates of manganese and iron. When applied, the manganese and iron oxidize, which produces a coloration or stain selected for the area (in this case brownish). If the stain can be applied properly, and if it lasts, oxidizing the rocks in the RSPs holds promise for further mitigate the visual impacts of leaving the RSPs for this interim period. After review of additional materials supplied

CalTrans, Coastal commission staff determined that Permeon could be applied in this situation without causing harm to the environment.⁹

Although Permeon has not been extensively used in coastal environments, it has been used in Permeon stained shotcrete was used in a wall along the coast in the City of Dana Point and the coloration seems to be lasting according to the City of Dana Point.¹⁰

CalTrans also cited other examples where Permeon has been used to lessen visual impacts, including: a) by the Colorado Department of Transportation on the Glenwood Canyon Highway Project where treated surfaces did come in contact with the Colorado River water; b) by the Corps of Engineers on the Seven Oaks Dam where treated surfaces did come in contact with the Santa Ana River water; and c) on the Olivehain Dam on the San Diego River. The Oregon Department of Transportation issued a report, (E. Brooks, *Desert Varnish- Rocky Point Viaduct: Final Report* (1998) on their test use of Permeon and concluded: a) The application of desert varnish changed the grey-white shotcrete to a light brown color, mitigating the visible impact of construction in the scenic area. b) Over three years, the brown shade has been bleached by the wind and salt spray so that in areas, it is now almost as grey-white as the non-treated section, but that mud and rain also have streaked the shotcrete face, resulting in an overall blended appearance.. c) Desert Varnish (Permeon) is not a lasting coloring effect near an ocean environment, but it can be effective in minimizing visual impact of construction while natural weathering takes place.

Permeon is a veneer that penetrates rock pores to about 1/64 inch. In sunny, warm, dry weather, it dries in approximately five minutes after application. It does not wash off because the color is created by the oxidation of manganese and iron. Permeon can be sprayed on or applied with a mop to minimize potential for runoff of excess. Since all of the components of Permeon are also naturally occurring constituents of ocean water, Commission staff have concluded that Permeon could be used safely in the existing project. However, the method and timing of application need to be clearly delineated to reduce potential for over application runoff. The need to bar access to the beach area during application as well (approximately 24 hours) requires the activity to be planned to minimize impacts to public access..

Therefore, this permit, as detailed in Special Condition 4(D), directs the permittee to develop and implement a Permeon application and monitoring program, in consultation with State Parks, to be submitted to the Executive Director with in 120 days of issuance

⁹ Commission staff reviewed the materials supplied by the applicant which lead to the conclusion that the breakdown products of Permeon are the Sodium ion and the acetate ion which is found in food grade vinegar. According to statements by Professor Carleton Moore of Arizona State University, Permeon papers indicate that the lifetime of acetate in the soil is approximately 24 hours. It can be consumed by soil bacteria, and each of its degradation components are found in the natural seawater so it should have no lasting effect if exposed to sea water.

¹⁰ Although the color has lasted for more than ten years at Dana Point, shotcrete is not the same as the rock in the RSPs and exposure conditions are different.

of this permit, for the application of Permeon to the L1 and L2 areas only. If at the end of the first authorization period, the Executive Director determines that there have been demonstrable, and lasting, visual impact improvements at L1 and L2 without adverse impacts to coastal resources, the permittee shall develop a plan for the treatment of the exposed portions of L3 as well. The plan shall avoid the potential for runoff from excess application as well as significant adverse impacts on public access to the shoreline and shall be submitted to the Executive Director for approval before treatment is applied to L3.

Conclusion

The presence of the RSPs impacts views along the ocean and at the beach. They are not visually compatible with the surrounding area, and therefore inconsistent with Section 30251 of the Coastal Act. However, as discussed in the section on shoreline structures, even if a proposed seawall is otherwise inconsistent with the Coastal Act, such seawall shall be permitted if it meets the requirements of Section 30235 of the Coastal Act. The Commission therefore finds that while the RSPs are inconsistent with the visual resources policies of the Coastal Act, the visual impacts must be mitigated to the maximum extent feasible consistent with Section 30235 of the Coastal Act. Only as conditioned can the Commission find that the visual impacts associated with the project are reduced to the maximum extent feasible, consistent with Section 30235 of the Coastal Act.

E. Protection of Coastal Waters, Water Quality, and Marine Resources

The central purpose for this project is to stabilize the bluffs and prevent erosion from undermining Highway 1 which is immediately adjacent to the beach and waters of the Pacific. The RSPs are on the beach and subject to tidal and storm effects.

Coastal Act Policy

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of

waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Analysis

As described above, the RSPs are already in place, and this permit is for temporary maintenance of the RSPs only. There is some potential for water quality impacts from the construction activities related to the recovery and replacement of rock which falls out of the RSPs and from the construction and installation of the improved bluff top access as well as from application of Permeon for visual mitigation.

Highway 1 lies between the RSPs and the sensitive marsh and wetland areas. All construction for the maintenance of the RSPs is required to be done from the road or the parking areas at the RSP sites following the construction plan developed pursuant to Special Condition 3 (Construction Practices). Furthermore, Special Condition 3(D)(ii) requires that all erosion control/water quality bestmanagement practices to be implemented during construction and their location are provided to the Executive director prior to commencement of any construction. In this manner, staff can monitor the effective location and application of best management practices to protect water quality through all future construction activities. This greatly lessens the potential for adverse impacts on the health of marine resources.

Similarly, the construction activities related to the Public Access improvements (bluff top trail and repair of the stairs) will be done using the same construction standards as the maintenance program identified in Special Condition 3 and pre-construction approval of the trail and stair work by the Executive Director is required. The construction activities for the application of Permeon shall meet the construction standards of Section 3 and 4 (D) and be done pursuant to a plan approved by the Executive Director before application activities begin.

Conclusion

Therefore, as conditioned by Special Conditions 3 and 4, the temporary authorization of the RSPs pursuant to this permit are consistent with the requirements of Sections 30230 and 30231 of the Coastal Act. .

F. Environmentally Sensitive Habitat (ESHA)

The RSPs are located adjacent to a variety of habitat types that are environmentally sensitive and in area managed by State Parks. These include: 1) Pescadero State Beach to the north, 2) Pescadero Marsh Nature Preserve to the east of L3; and 3) the MBNMS to the west.

Section 30240(b) of the Coastal Act, also protects parks and recreation areas such as the beach area seaward of the site provides that:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Plant life: While there is a high quality coastal scrub community dominated by coastal brush (*Baccharis pilularis*) on the eastern side of Highway 1, there is no plant species of unique value at the RSP sites themselves. Highway 1 forms a buffer between the project area and the marsh at L3. East across the highway of L1 and L2 is land in active agriculture. The vegetation located on top of the bluffs above the RSPs on the western side of the highway is dominated by invasive ice plant (*Carpobrotus edulis*) monoculture. The faces of the eroding bluffs themselves are too steep to support plant life. The RSPs do affect the space available for flora that inhabit the sand area under the rocks. The only available remedy for these impacts would be removal of the RSPs. To limit the impacts of the RSPs pursuant to this permit, Special Condition 1(B) requires that when this permit terminates, the rocks be removed pursuant to a Removal and Restoration Plan approved by the Executive Director.

Wildlife: Three major biological reviews have been conducted in the project area Since 2002: 1) *Impact Analysis for San Mateo 1 Storm Damage Repair Near Pescadero Road* (CalTrans 2003) (prepared during the placement of the RSPs); 2) *State Route 1 Re-alignment North of Pescadero Road Biological Assessment* (CalTrans 2002); and 3) *The Status of the San Francisco Garter Snake (Thamnophis sirtalis tetrataenia) and the California Red Legged Frog (Rana aurora draytonii) within and adjacent to SanMateo 1 Roadway Re-alignment of North Pescadero Road Project Site* (McGinnis, 2002).

The biological assessment for the installation of these RSP devices in 2003, and the preconstruction surveys, concluded that there is no effect on the red legged frog or the San Francisco garter snake because all of the activity takes place on the west side of Highway 1 where there are steep and eroded bluffs, and lack of suitable habitat for the species. The species that do frequent the general Pescadero area include: the snowy plover (*Charadrius alexandrinus nivosus*), the California brown pelican (*Pelecanus occidentalis californicus*), the California least tern (*Sterna antillarum browni*), the Pacific Harbor Seal (*Phoca vitulina richardsi*) and the Stellar sea lion (*Eumetopias jubatus*).

Pescadero Beach, which is around the point to the north of the project area is considered to be a significant seabird colony by the GFNMS and they have created a "Seabird Colony Protection Program: Action Plan" (Reyna and Higgason, 11/2006). However, at the time of installation of the RSPs, it was confirmed by the State Parks biologist that the beach in the area of L3 has not been used by the snowy plover as habitat in recent years. (CalTrans 2003). Preconstruction surveys, pursuant to the emergency permits, did not

identify any special status species to be using the each as habitat. While marine mammals have been seen passing the project offshore, no mammals were seen to haul out onto the beach during construction.¹¹

The California Brown Pelican (*Pelecanus occidentalis californicus*) is state and federal listed as endangered. While it forages along the San Mateo Coast, its breeding habitat is well south of the project area. The Marbled Murrelet (*Brachyramphus marmoratus*) (Federal threatened and California endangered) forages offshore but there is no suitable breeding habitat for it in the area. The California Least Tern (Federal endangered and California endangered) can be found foraging on beaches in the area while migrating, but there are no known nests in the Pescadero Beach area. While the snowy plover might be passing through the area, the project site does not have suitable nesting habitat.

Approximately 28 species of marine mammals inhabit or traverse the waters offshore of the project area. The waters in the project site area are shallow and so whales and porpoises and dolphins are not likely to be found in the nearshore area. Pinnipeds (seals or sea lions) do come ashore on rocks, beaches and islets in the MBNMS to haul out (rest) or breed along the coast. The nearest Pacific Harbor Seal (*Phoca vitulina richardsi*) breeding areas are on Ano Nuevo Islands about 11 miles to the south of the project site. There are approximately seven haul out sites between Bolsa Point and Pescadero Beach. One haul out site is located offshore (0.3 miles south of Pescadero Creek, and on Pescadero Point which is well south of the project area. During the construction phase Harbor seals were seen in the surf zone but none were seen to haul out during the construction. The Northern Elephant Seal (*Mirounga angustirostris*) migrates through the area. Its breeding colonies occur south of the project area at Ano Nuevo Island, and to the north on South East Farallon and Point Reyes in Marin County. The Stellar Sea Lion (*Eumetopias jubatus*), a federally threatened species ranges between California and Alaska. Ano Nuevo is the southernmost breeding area for this species and they have rarely been seen at other, established, haul out sites in the MBNMS vicinity. The Southern Sea Otter (*Enhydra lutris nereis*) is listed as endangered by federal and state. There is no established haul out areas at this site. The northernmost normal distribution for the sea otter is Ano Nuevo Island which is 11 miles to the south.

The project is also adjacent to environmentally sensitive habitats and wetlands that comprise the Pescadero Marsh Nature Preserve. Pescadero Creek State Park is located just north of L3. Highway 1 forms a barrier between the marsh and the RSP at L3. Studies performed prior to construction of these RSPs concluded that it is not habitat for CRLF, SFGS. As an interim measure, the use of RSPs avoid the necessity of relocating the road once again which would require encroachment into the adjacent wetlands. The RSPs also are located to avoid any potential conflict with species of special concern. In addition to avoiding encroachment into the Pescadero Marsh Nature Preserve, the public

¹¹ In addition there is no indication of special status species recent nesting or breeding activity at the site per the California Department of Fish & Game's Natural Diversity Data Base Program "Rarefind". (2006)

access improvements between the two parking areas along the bluff and to and along the beach at L3 will facilitate the use and continued enjoyment of the area by the public.

Conclusion

The design of the RSPs, and the mitigation measure for providing improved public access pursuant to Special Condition 4 are consistent with Section 30240(b) of the Coastal Act as RSP sites do not pose a risk of significantly degrading the adjacent areas or disturbing species of special concern for the period authorized by the permit and are compatible with the continuance of those habitat and recreation areas.

G. Archaeological or paleontological resources

Section 30244 of the Coastal Act provides:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Analysis

A cultural resources study of the area was conducted as part of the previous response efforts in the project area. Work on the RSPs is not expected to affect those resources. But if such resources were exposed or encountered while conducting the maintenance of the RSPs Special Condition 6 will require a halt to construction until an Archaeological Plan is developed that is approved by the executive Director, or the Commission, if it would require anything other than a de minimis change in the conduct of the project.

CalTrans follows the procedures required by Section 106 of the National Historic Preservation Act (NHPA), following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). The NHPA directs federal agencies to take into account the effects of proposed activities on historic properties. Historic properties are properties that are included in the National Register of Historic Place. California has similar policies.

Public Resources Code Section 5097 implements a number of federal laws and specifies procedures in the event that human remains are discovered during any site disturbance activity. The disposition of Native American burials falls within the jurisdiction of the California Native American Heritage Commission. California Code of Regulations Section 15064.5(f) identifies the need to establish procedures in the event of discovery during construction of buried cultural resources on nonfederal land.

The State's Office of Historic Preservation (OHP) has primary responsibility for the administration of historic preservation programs in California through the *California's Comprehensive Statewide Historic Preservation Plan*, as well as other laws and regulations. The California Native American Heritage Commission works to identify, catalogue, and protect places of special religious or social significance, graves, and cemeteries of Native Americans per the authority given the Commission in Public Resources Code 5097.9.

This permit only authorizes maintenance of the RSPs, not augmentation. The work is conditioned to be accessed from the existing roadway or the parking areas so there is little chance of disturbance of historical or archaeological resources pursuant to the maintenance program of the temporary structures. Indeed to the degree that the RSPs prevent bluff erosion, cultural resources are further protected from exposure at the RSP sites. However, as the permit is conditioned to require the permittee to construct, or cause to be constructed, horizontal bluff trail and vertical access improvements (including revegetation) it is possible that some cultural resources could be encountered. Therefore, Special Condition 6, which delineates the procedures to be followed if cultural resources are discovered by the permittee's activities, is necessary.

Conclusion

With Special Condition 2 (governing Construction Activities under the Maintenance and Monitoring Program), special condition 4 (directing the survey of cultural resources in connection with the construction of the trail and stairway and the process to follow if any are identified, and Special Condition 6 (which provides for a halt to activities if cultural resources are encountered until a supplementary archaeological plan is approved by the Executive Director), the proposed development meets the criteria of section 30244 of the Coastal Act.

H. Unpermitted Development

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

I. California Environmental Quality Act (CEQA)

The Coastal Commission's review and analysis of coastal development permit applications has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. Section 13096 of the California Code

of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Permittee by the Commission (see Section III, "Special Conditions").

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to achieve consistency between the proposed project and the requirements of the applicable policies of the Coastal Act to the maximum extent feasible consistent with Section 30235 of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

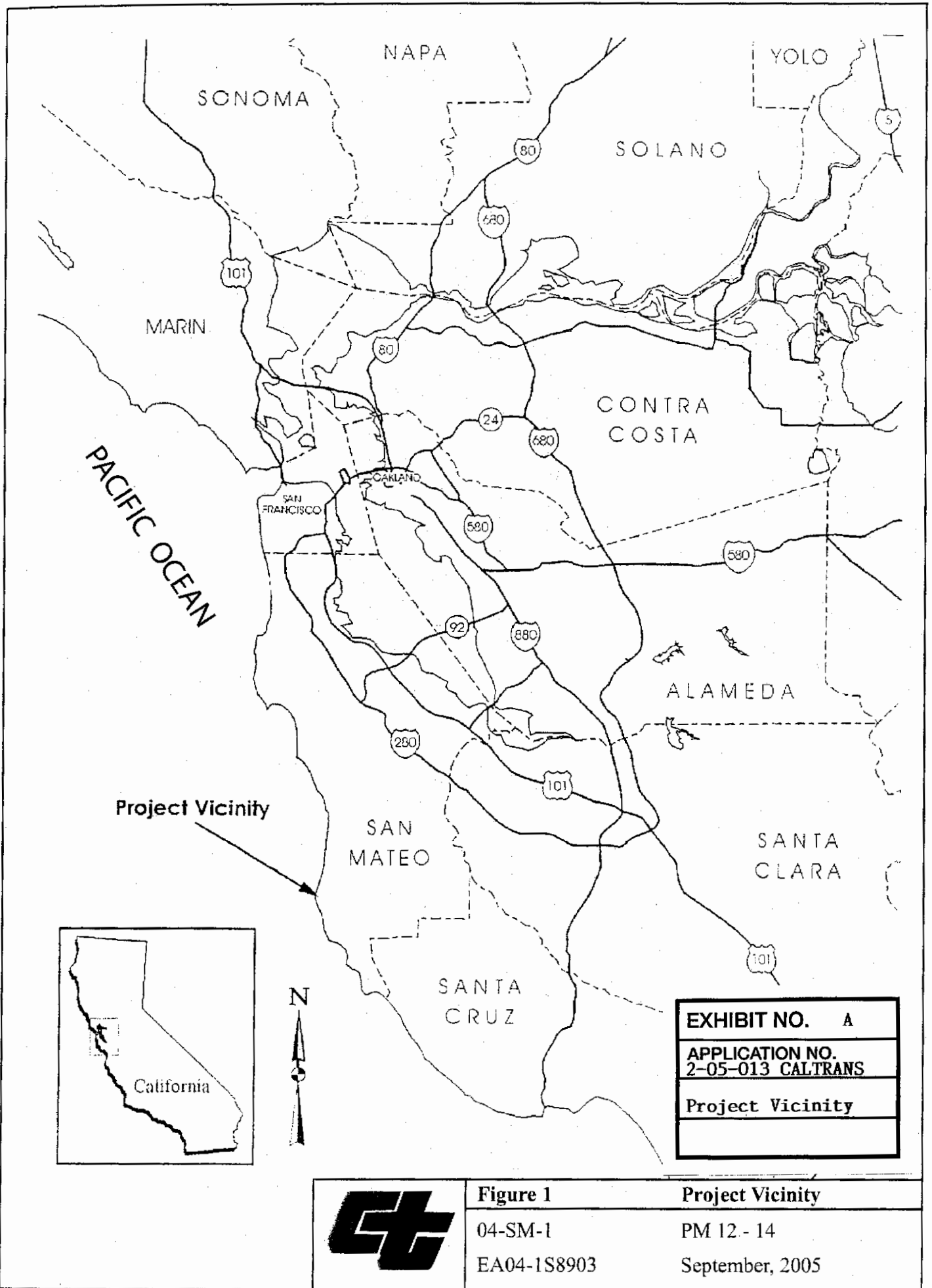

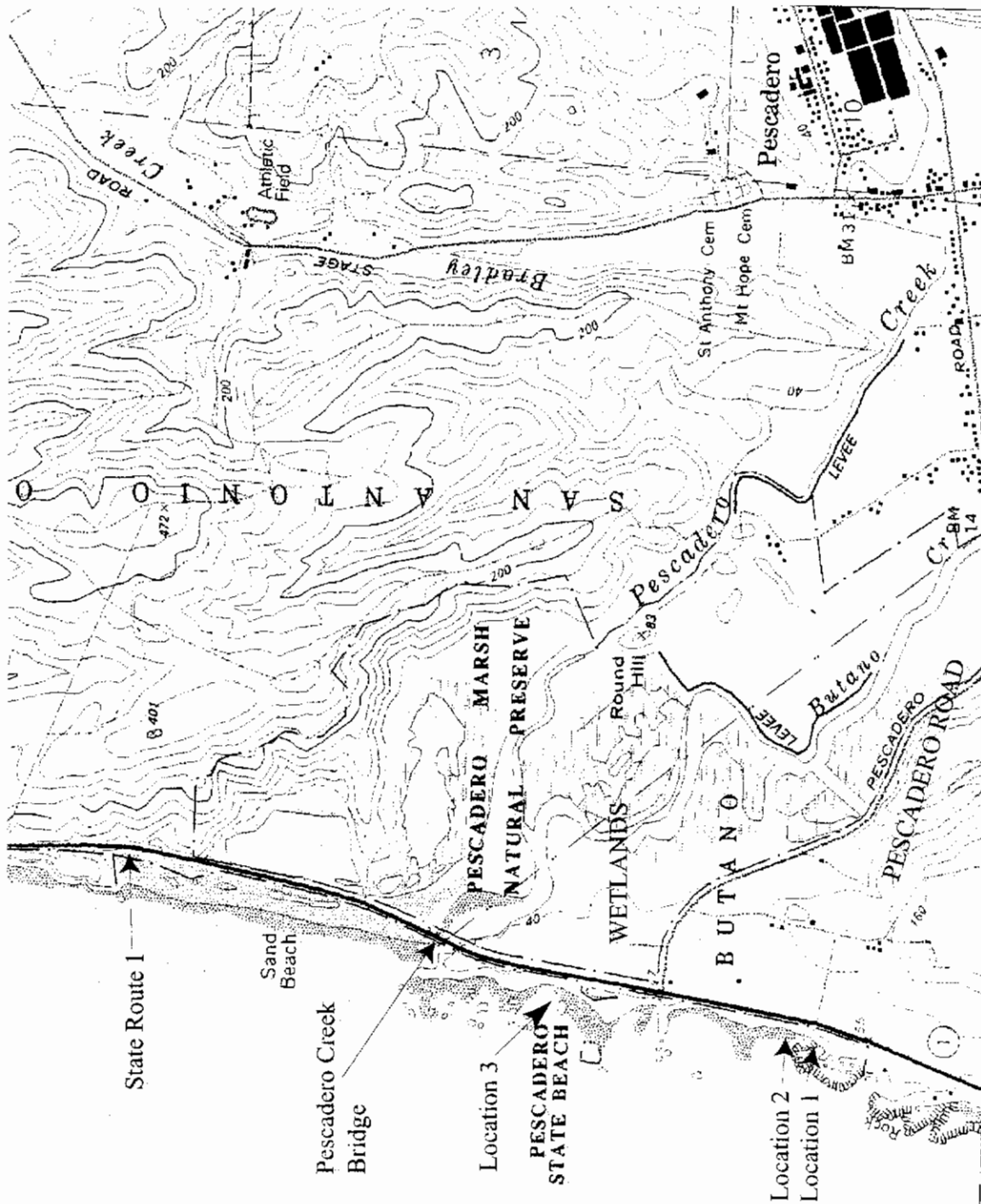


EXHIBIT NO.	A
APPLICATION NO.	2-05-013 CALTRANS
Project Vicinity	

	Figure 1	Project Vicinity
	04-SM-1	PM 12 - 14
	EA04-1S8903	September, 2005



From: USGS, 1978, 1:24,000 San Gregorio Quadrangle

Note: Topographic map does not accurately show eroded marine terraces west of State Route 1.



Figure 2 Topographic Map of Locations

04-SM-1 PM 12 - 14

EA 04-1S8903 September, 2005

EXHIBIT NO. B

APPLICATION NO.
2-05-013 CALTRANS

Project Site

Table 2 Long-Term Project Solution to Erosion Along Highway 1 at Pescadero State Beach—Timeline

	Activity/Document	Milestone (Meeting/or Deliverable)	Anticipated Date
1	Begin Project Initiation Document (PID) for long-term solution in 2005/2006 FY	CCC staff may request to attend project meetings during the development of the PID	09/01/2005
2	Complete PID for long-term solution / alternative	PID	09/01/2007 <u>12/01/2008</u>
3	Submit project for inclusion in the 2008 SHOPP funding		10/01/2007
4	SHOPP funds awarded		07/01/2008
5	Notice of Preparation (NOP)	NOP	08/01/2008
6	Begin Project Approval and Environmental Document (PA/ED)	Project Delivery Team (PDT) Meetings ¹	08/01/2008
7	Public Scoping meeting to determine the preliminary Environmental Technical Studies	Meeting(s) – CCC may attend	08/01/2008
8	Agency Scoping Meeting	Meeting(s) – CCC to attend	09/01/2008
9	Begin siting surveys to identify routes: existing and alternative		09/08/2008
10	End siting surveys to identify routes: existing and alternative		02/01/2009
11	Begin Detailed Environmental Technical Studies -- Cultural/Paleontological, Biological, Noise/Air/Water, Hazardous Waste, Visual, Community Impact		03/01/2009
12	End Detailed Environmental Technical Studies	Some Technological Documents may be available upon request (i.e., biology, visual, community impact, cultural)	02/01/2011
13	Prepare Draft Environmental Document (DEIR)	DEIR	01/31/2012
14	Circulate DEIR 45-60 days; public hearings		03/30/2012
15	Incorporate public comments on the DEIR		08/30/2012
16	Prepare Final Environmental Document and obtain approval	Final Environmental Impact Report	02/01/2013
17	FHWA review/approval of Project		04/01/2013
18	FHWA/California Department of Transportation Notice of Determination (NOD)	NOD	04/30/2013
19	Federal Consistency Determination (Fed Cons)	Fed Cons	08/01/2013

**Table 2 Long-Term Project Solution to Erosion Along Highway 1
at Pescadero State Beach—Timeline**

	Activity/Document	Milestone (Meeting/or Deliverable)	Anticipated Date
20	FHWA/California Department of Transportation Record of Decision (ROD)	ROD	09/01/2013
21	ROD Appeal period (30 Days)		10/01/2013
22	Complete PA/ED		10/01/2013
23	Begin Project Specification and Estimates (PS&E), ROW Certification / Acquisition for long-term solution		11/01/2013
24	Begin environmental permit applications, including Coastal Development Permit (CDP)		02/01/2014
25	Local and Agency Task Force Meetings	Meetings (CCC staff to be invited)	02/01/2014 through 06/01/2018
26	Submit permit applications (including CDP Application)	CDP Application with project plans	05/01/2017
27	Obtain all permits	CDP (Department also to provide other regulatory agency permit requirements to the CCC)	06/01/18
28	Complete PS&E, ROW Certification / Acquisition for long-term solution		08/01/2018
29	Ready to List (RTL) & advertise		11/01/2018
30	Begin construction		01/01/2019
31	Complete construction		12/01/2021
32	Ribbon cutting	CCC and staff to be invited	12/15/2021

Note:

¹ Project Delivery Team (PDT) meetings will be held through out the PA/ED period. CCC and other agencies can be a part of the PDT meetings.

Appendix 7: Revegetation Plan

Revegetation Efforts

Revegetation efforts include hydroseeding the top of the RSP at Location 3 with native plants to create the appearance of a vegetated marine terrace and reduce the visual impact of the RSP. The area below the wave action zone will not be revegetated because the soil and vegetation would be washed away. Revegetation will occur only at Location 3. Vegetating the RSP at Locations 1 and 2 is not feasible due to the steepness of the slope at those locations.

Revegetation construction will be accomplished using equipment operated directly on top of the RSP surface or from a crane located on Highway 1, adjacent to the site. At no time will any construction equipment be placed or operated on the beach (See Equipment Access below). Figure 8 shows photo simulations of the revegetation efforts. Figure 9 shows a schematic typical section of the revegetated RSP. Figures 8 and 9 are located in Section 8.1, Revegetation Efforts.

Site Preparation. Before beginning revegetation efforts, Caltrans will place approximately 1,000 one-ton rocks (about 451 cubic yards [345 cubic meters]) on the top of the RSP to level out the surface of the RSP and prepare it for revegetation. The one-ton rocks will be placed in an area of approximately 4,845 square feet (450 square meters) where the existing rocks have settled to their closest packing, causing a depression in the middle and northern portions of Location 3 (Figure 8).

One-ton rock was selected instead of the previously used four-ton rock because the rock will be placed above the line of wave attack and because it is easier to place and remove. The one-ton rocks would be placed with a crane operating from the road, and smoothed out over the surface with the crane bucket. Caltrans has identified a "responsible party" to oversee rock placement activities to ensure no construction equipment will operate outside of designated construction areas (see Equipment Access, below).

Because areas below the wave action line (approximately 14 feet [4.3 meters]) can not be revegetated due to the wave activity, the RSP could be colored with a rock-staining product, Permeon, to blend any visible RSP rocks with those of the surrounding bluff. However, rock staining will only be applied if Permeon is found to be environmentally safe and feasible in coastal environments, as determined by Caltrans and the CCC (see Section 8.2, Rock Staining [Permeon]).

After the one-ton rock is smoothed out and a level bench on top of the RSP is created, the area above the wave action line would be covered with facing-sized rock (approximately 12 inches [30 centimeters]) to bridge crevices between the RSP rocks at the surface. Rock would be deposited by crane and then positioned manually to bridge gaps between the rocks. Table 7-1 shows the grading range of the facing rock.

TABLE 7-1
Grading Range of Facing¹

Rock Mass	Percent Larger Than
90 kg	0-5
34 kg	50-100
11 kg	90-100

¹ Caltrans Standard Specifications, Page 516
(Caltrans, 1999)

Gravel (approximately 3-4 inches [76 - 102 mm] in diameter) would then be placed on top of the facing-sized rock with a crane and spread out manually. The gravel layer will vary in depth from 2 - 4 inches (5 - 10 centimeters) to 1 foot (30 centimeters) or more, depending on the configuration of the RSP at any given spot. Table 7-2 shows the grading range of gravel.

TABLE 7-2
Grading Range of Gravel¹

Size	Percent Passing Sieve
100 mm	100
50 mm	90-100
37.5 mm	75-100
12.5 mm	50-100
9.5 mm	15-55
4.75 mm	0-25
2.36 mm	0-5
75 µm	0-3

¹ Based on Class 1PM, Caltrans Standard Specifications, Page 495 (Caltrans, 1999)

Sand and/or soil will be end-dumped down a temporary access ramp (see Equipment Access, below) and over the side of the bluff. The sand or soil would then be spread with bulldozers (e.g., Caterpillar D-5 or Case 850 D), which would access the top of the RSP by the temporary ramp (Figure 8). The sand/soil layer depth will vary from less than 1 inch (2.5 centimeters) to up to 36 inches (91 centimeters), with the shallowest areas at the western edge of the RSP revegetation area and the deepest areas towards the middle of the RSP and the edge of the bluff. The RSP will not be level after adding cobbles, gravel, and soil, but rather would follow the contour of the RSP surface. Although soil will cover the RSP, some of the rocks will protrude through the surface of the soil, as shown in Figure 8. The sand/soil will be compacted with non-vibratory, weighted equipment, either by hand or with a small roller (e.g., Ingersoll-Rand DD24 or Hyster C 610A).

Sand/soil will also be added to the edge of the RSP at the bluff face, compacted, and blended with the existing loose soil to reduce the bluff grade and restore the temporary

EXHIBIT NO. D

2-05-013 CALTRANS
Revegetation Plan
Page 2 of 5 pages

access ramp location. Coir netting will be anchored over the eroding terrace and the layer of sand/soil. The entire sand/soil prepared areas would then be hydroseeded with native grasses and plants (see Seeding, below).

Equipment Access. The one-ton rock and gravel will be placed by a crane operated from the roadway. A bulldozer and compactor will be used to spread and compact the sand/soil as described above. Construction equipment will access the RSP from a temporary ramp located on the north side of Location 3, as shown in Figure 8. The temporary access ramp would be constructed at the edge of the top of the bluff, adjacent to Highway 1. A small previously disturbed area (approximately 300 square feet [28 square meters]) at the top of the bluff (predominately vegetated with ruderal [weedy] species) would be disturbed during construction (Figure 8). This area would be revegetated with native species during the RSP revegetation efforts. In addition, the area surrounding the pipe outfall north of the RSP will be revegetated with native species to make the pipe less visible.

At no time will any equipment be placed on or operated from the beach. If necessary, equipment will be placed on top of the RSP by a crane operated from the roadway. To ensure that no equipment is operated from or placed on the beach or bluff outside of the designated construction area, Caltrans proposes to designate a "responsible party" to monitor construction activities:

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In addition, while archeological resources (see Section 6.5, Archeological Resources) will not be affected by revegetation plans, Caltrans' archeologists will be consulted prior to revegetation activities to ensure that archeological resources will not be affected.

Seeding. The revegetation area will be hydroseeded with grasses and plants native to the coastal bluff including coastal brush lupine (*Lupinus arboreus*), California coastal brome (*Bromus carinatus* var. *maritimus*), meadow barley (*Hordeum brachyantherum*), California Sagebrush (*Artemisia californica*), and seaside golden yarrow, (*Eriophyllum staechadifolium*). A complete list of species and their seeding rates are listed on the next page in Table 7-3.

TABLE 7-3
Plant Species for Hydroseeding at Location 3

Botanical Name (Common Name)	Percent Germination (Minimum)	Kilograms Pure Live Seed Per Hectare (Slope Measurement)
LEGUME SEED		
DW		
<i>Lupinus arboreus</i> (Coastal Brush Lupine)	40	10
NON-LEGUME SEED		
DW		
<i>Hordeum brachyantherum</i> (Meadow Barley)	40	12
<i>Bromus carinatus</i> var. <i>Maritimus</i> (California Coastal Brome)	40	16
<i>Achillea millefolium</i> (Common White Yarrow)	35	1
<i>Eriophyllum staechadifolium</i> (Seaside Golden Yarrow)	30	3
<i>Artemisia californica</i> (California Sagebrush)	25	1.5
<i>Baccharis pilularis</i> (Coyote Brush)	15	0.15

Hydroseeding will be a two-step process: first, seed mixed together with fiber and compost will be applied. Then a mixture of fiber, compost, and a stabilizing emulsion will be applied. No straw will be applied. Hydroseeding equipment will be operated from the road using a long hose.

Irrigation. No irrigation is proposed. Hydroseeding will occur in the fall, before the onset of winter rains. Caltrans anticipates that winter rains will provide sufficient water for plant establishment.

Maintenance and Monitoring. Maintenance and monitoring will occur over a three-year period, as described below, or longer if performance criteria are not met.

Performance Criteria. Success of the revegetation efforts will be based on the percent cover of vegetation after three years. Performance criteria will provide that the revegetated areas have a relative vegetation cover of 70% or higher.

Maintenance. Maintenance inspections will occur quarterly for the first year after seeding and thereafter on a semi-annual basis until the end of the three-year monitoring period. Maintenance activities will include observing plant establishment, removing invasive exotic species, as determined necessary by the inspectors, and removing litter and large debris.

Monitoring will occur annually for a period of three years after seeding, or longer if performance criteria are not met after three years. Monitoring efforts will include vegetation cover sampling, visual inspection, and photo documentation. The purpose of these inspections will be to evaluate the success of the restoration efforts.

Vegetation cover sampling will be conducted in spring or summer. Permanent photo points will be established and photographs taken at each monitoring event. A report describing the monitoring methods and results will be provided to the CCC within three months of the vegetation cover sampling date, but not later than December 15 of each year monitoring year. Photographs will be included in each report.

Contingency Plans. Contingency plans include reseeding. Caltrans will reseed if vegetation cover is below 40% after two years of monitoring or if the Caltrans monitor determines that it is necessary. Before reseeding or initiating any other contingency plans, Caltrans will evaluate the causes of bare or slowly establishing areas. If necessary, Caltrans will consult with CCC to determine the appropriate contingency activity.

References

Caltrans. 1999. Standard Specifications. Business, Transportation and Housing Agency. Department of Transportation. Sacramento, California.

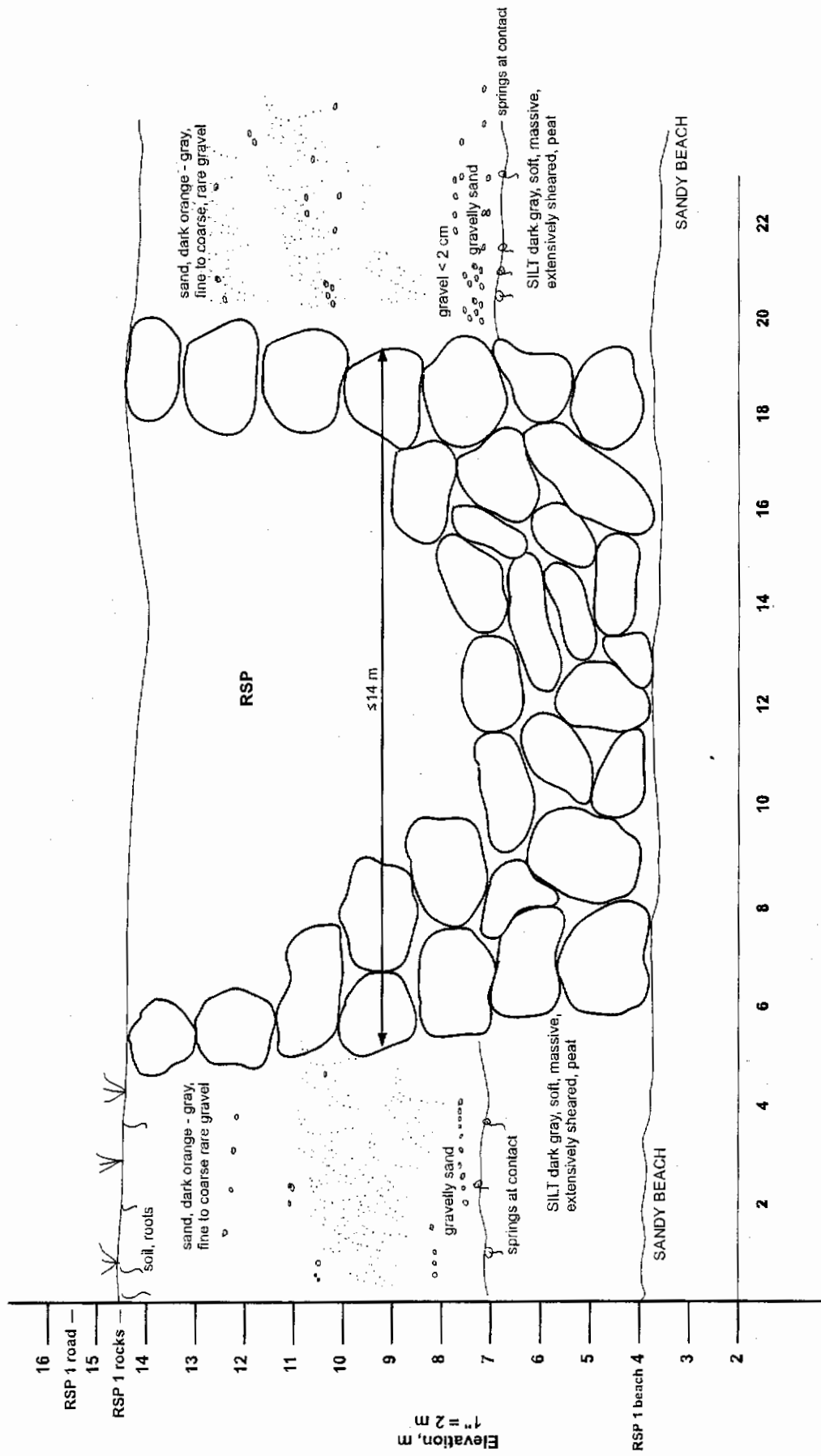


EXHIBIT NO.	E
APPLICATION NO.	2-05-013 CALTRANS
RSP Location 1	

Figure 1	RSP Location 1, PM 13.58
04-SM-1	PM 13.58
EA 04-1S8903	August 2006



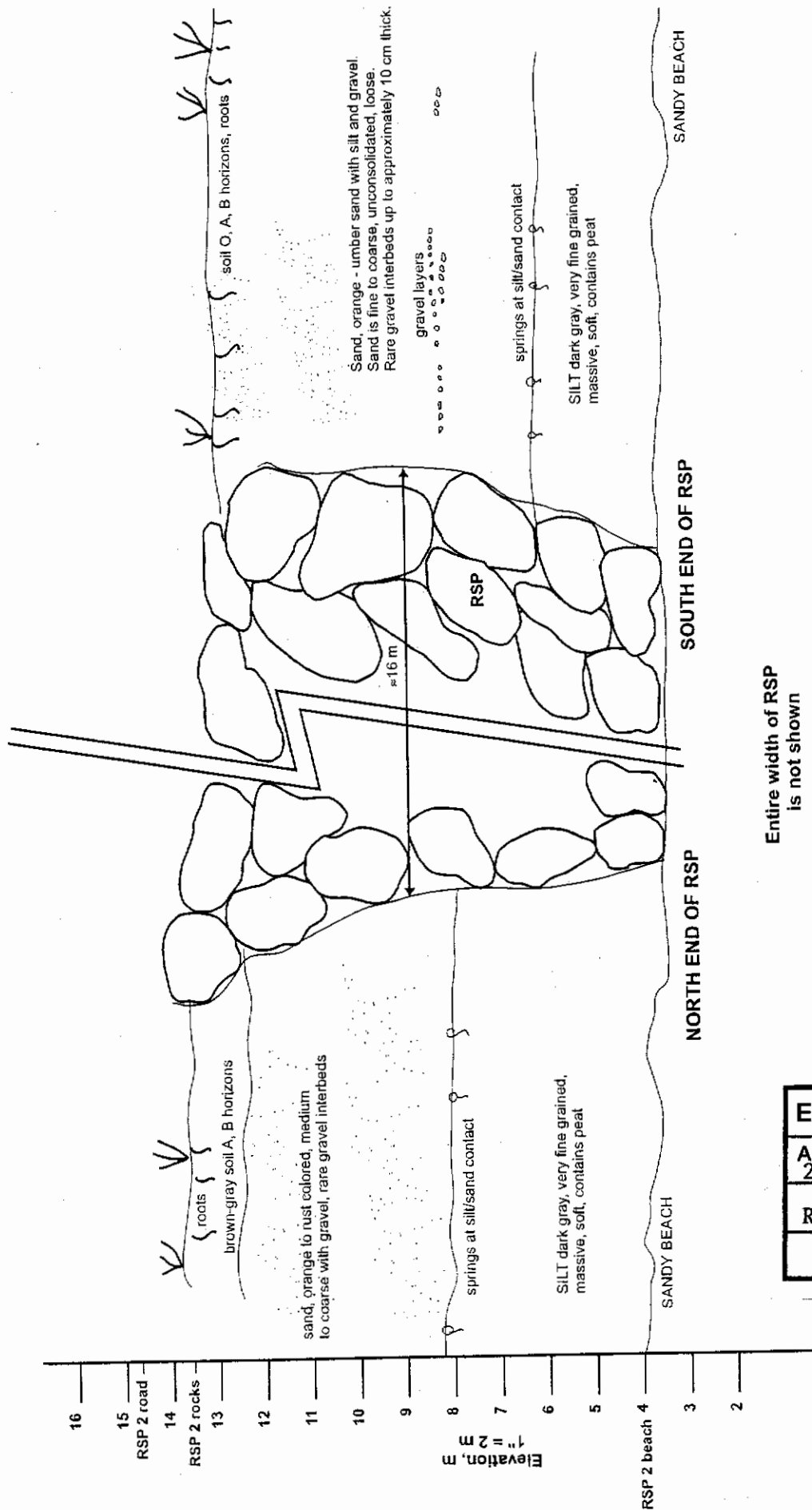
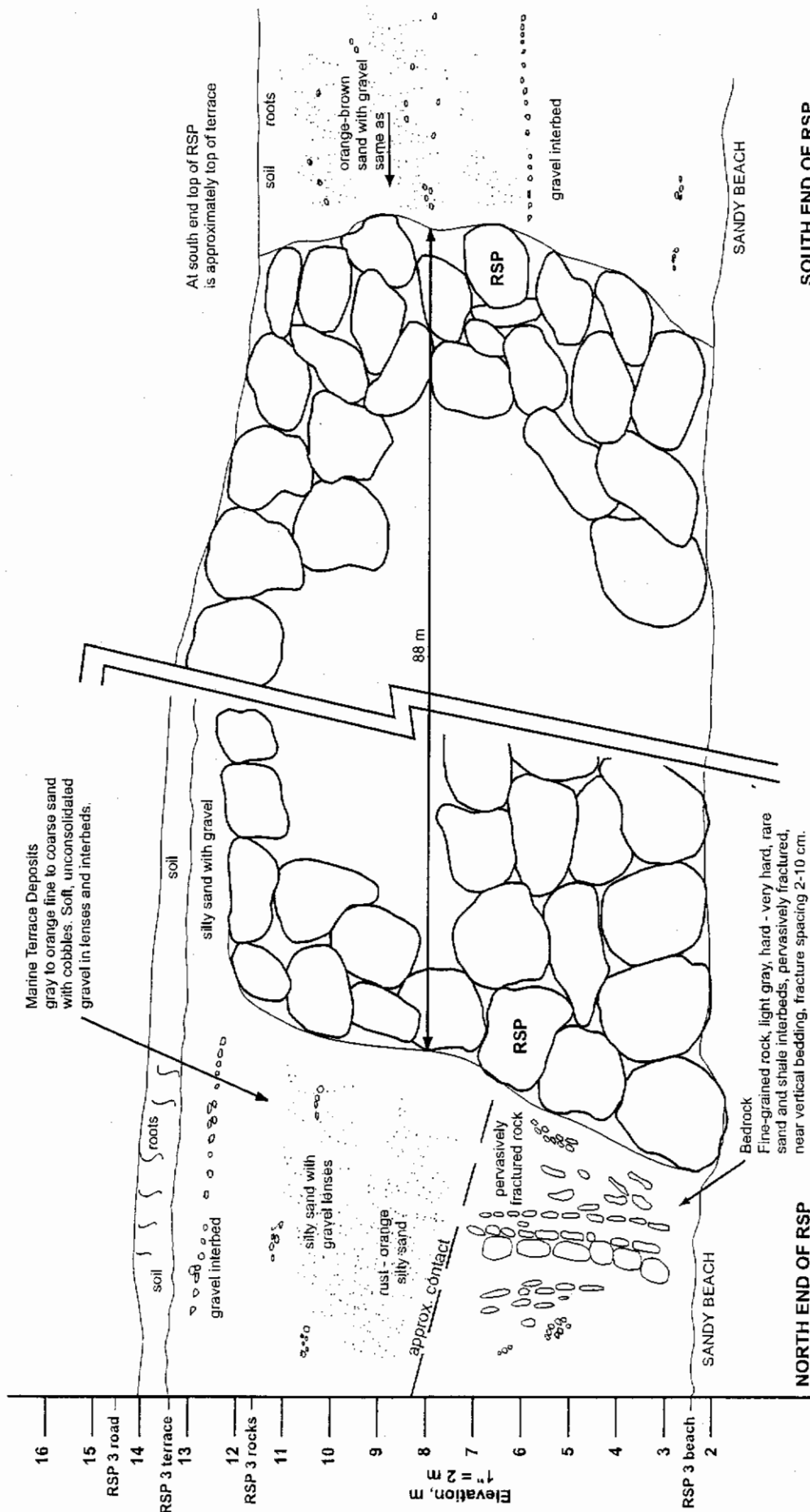


EXHIBIT NO.	F
APPLICATION NO.	2-05-013 CALTRANS
RSP Location 2	

Figure 2	RSP Location 2, PM 13.58
04-SM-1	PM 13.58
EA 04-1S8903	August 2006





Entire width of RSP is not shown



Figure 3 RSP Location 3, PM 13.58

04-SM-1 PM 13.58

EA 04-1S8903 August 2006

EXHIBIT NO. G

APPLICATION NO. 2-05-013 CALTRANS

RSP Location 3

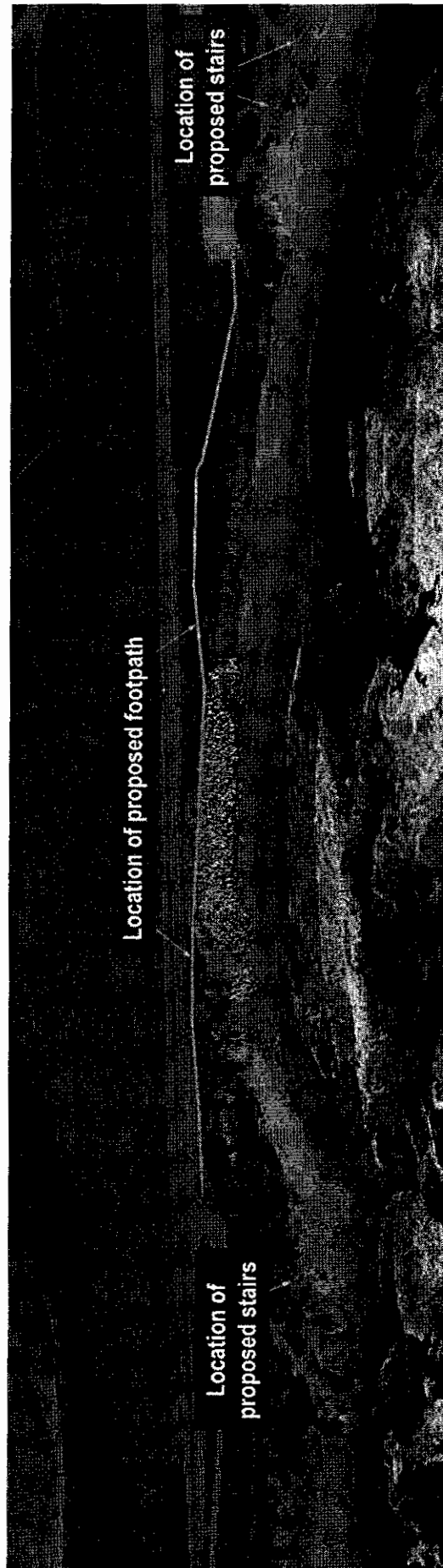


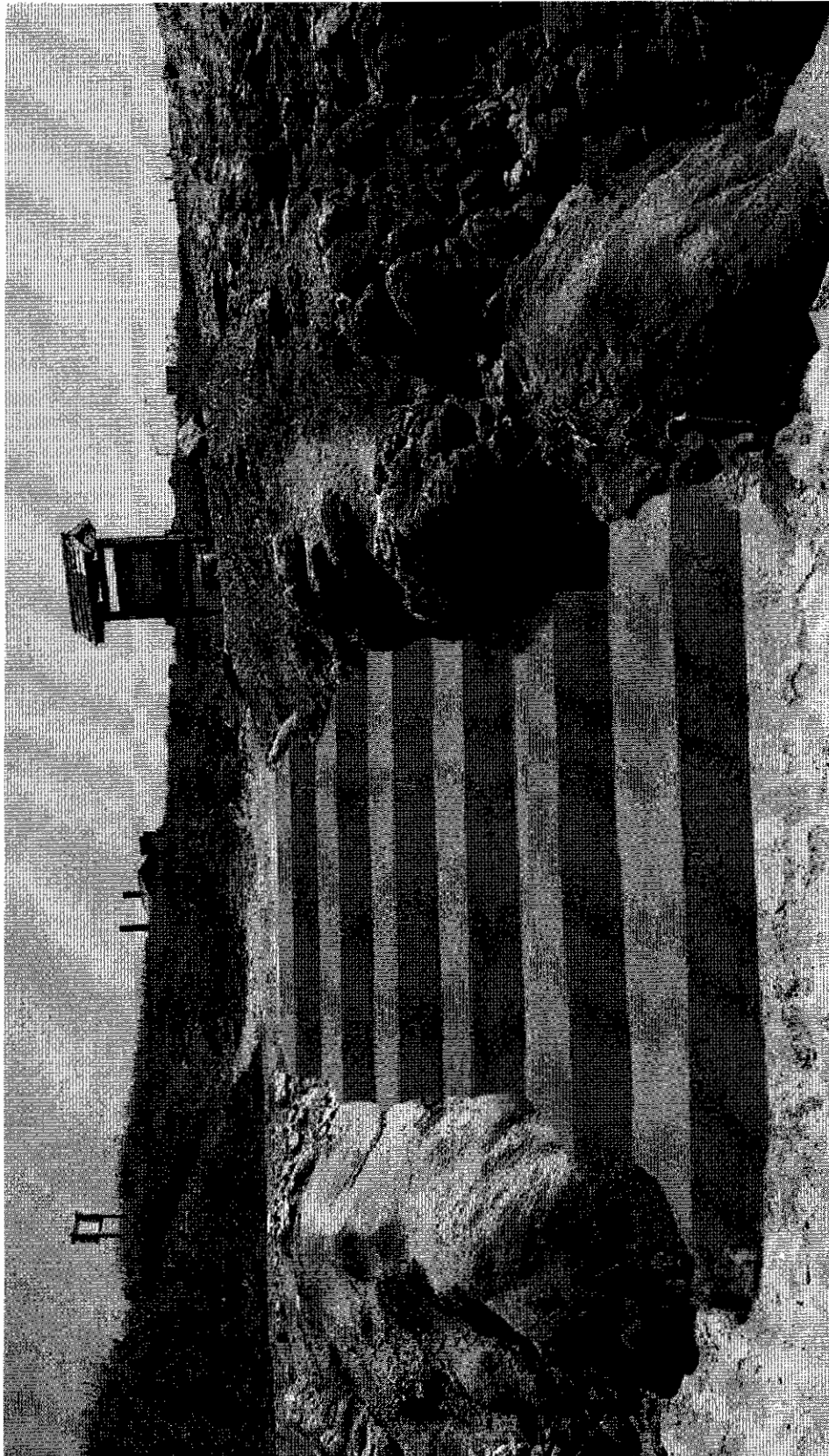
Exhibit 3 - Preliminary Proposed Location of Footpath and Stairs at Pescadero State Beach	
04-SM-1	PM 13.4-13.6
EA 04-1S8903	September 2007


EXHIBIT NO. H
2-05-013 CALTRANS
Public Access Improvement Site Map



Exhibit 1 - Preliminary Photosimulation of Proposed
Footpath upon RSP Vegetated Bluff - Location 3
04-SM-1 PM 13.4-13.6
EA 04-1S8903 September 2007

EXHIBIT NO. 1
2-05-013 CALTRANS
Visual of Trail Design



	<p>Exhibit 2 - Preliminary Photosimulation of Proposed Stairs at Pescadero State Beach</p>
04-SM-1	PM 13.4-13.6
EA 04-1S8903	September 2007

2-05-013 CALTRANS

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5893
FAX (510) 286-6447
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*

January 13, 2003

Mr. Chris Kern
Permit Supervisor
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

JAN 15 2003

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Kern:

Attached please find a signed California Coastal Commission (CCC) Emergency Permit needed to Repair State Route 1 near Postmile 13.4.

Pursuant to our discussions of January 7, 2003, Caltrans agrees to submit an application for a regular Coastal Development Permit as a requirement of this emergency permit. While it is our intent to meet all conditions stipulated in the Emergency Permit, the time limit under item No. 4, requiring permanent measures and/or alternatives needed to protect Highway 1 may not be realistic in this case due to the time needed to determine viable highway protection measures for this site. It is also our understanding that a multi-phased Coastal Development Permit would likely be necessary to address the maintenance and monitoring of the temporary emergency work and the study of the permanent alternatives including removal and restoration of the emergency work.

Should you have any question regarding this matter please contact Stefan Galvez Caltrans Coastal Commission Liaison at 510 286-5506.

Sincerely,

For Bart Desai
Deputy District Director
Maintenance


CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



EMERGENCY PERMIT

Issue Date: **January 3, 2003**Emergency Permit No. **2-02-030-G**

Steven Rouse 
Caltrans
111 Grand Avenue
Oakland, CA 93401

LOCATION OF EMERGENCY

Two sections of shoreline adjacent to Highway One approximately one half mile south of Pescadero Road at post mile marker 13.4, South San Mateo County (San Mateo County).

WORK PROPOSED

Install rip rap armoring on a 20-foot wide bench approximately 10 feet above the beach in the immediate area of bluff failure. The rip rap must be designed as a temporary device, and must not exceed the volume of rip rap and encroachment onto the beach necessary in order to address the immediately threatened area.

This letter constitutes approval of the emergency work that you have requested as described above. I understand from the information that you submitted that an unexpected occurrence in the form of severe coastal erosion undermining the highway and threatening public safety has occurred which represents "a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services." (Definition of "emergency" from § 13009 of the California Administrative Code of Regulations.) Therefore, the Executive Director of the Coastal Commission hereby finds that:

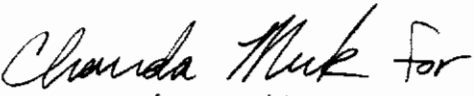
- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit; and
- (b) Public comment on the proposed emergency action has been reviewed if time allows.

The work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

Peter M. Douglas
Executive Director

By: **Chris Kern**
Permit Supervisor


Chris Kern

Copies to: Michael Schaller, San Mateo County Planning Department
Deirdre Hall, Monterey Bay National Marine Sanctuary
Nanci Smith, California State Lands Commission

Exhibit K (Page 2 of 9)
Application No. 2-05-013 (CALTRANS)
Emergency Permits

Enclosures: Emergency Permit Acceptance Form and Regular Permit Application For

CONDITIONS OF APPROVAL

1. The enclosed emergency permit acceptance form must be signed by the owner(s) of the property where the emergency work authorized in this permit is located and returned to the California Coastal Commission's North Central Coast District Office within 15 days of the date of this permit (i.e., **by January 18, 2003**). This emergency permit is not valid unless and until the acceptance form has been received in the North Central Coast District Office.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., **by February 2, 2003**) unless extended for good cause by the Executive Director.
4. The measures authorized by this emergency permit are only temporary. Within 60 days of the date of this permit (i.e., **by March 4, 2003**), the permittee shall submit a complete application for a regular coastal development permit to permanently address the need for protection of Highway One, including evaluation of alternatives to shoreline structure development. The emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., **by June 2, 2003**), unless before that time the California Coastal Commission has issued a regular permit for the development authorized by this emergency permit.
5. In exercising this permit, the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., San Mateo County, California State Lands Commission, Monterey Bay National Marine Sanctuary, National Marine Fisheries Service, United States Fish and Wildlife Service, United States Army Corps of Engineers). Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. A certified civil engineer or engineering geologist shall oversee all construction activities and shall ensure that all rock is properly placed and contained within the approved dimensions.
8. Construction activities and equipment shall avoid the waters of the Monterey Bay National Marine Sanctuary and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides, conducting construction operations from the blufftop, and limiting work areas to the area nearest the revetment when working from the blufftop is not feasible.
9. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible.
10. Equipment and materials shall not be stored on the beach. All construction materials placed on the beach during construction shall be placed beyond the reach of tidal waters and removed when construction is not ongoing.
11. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Equipment washing, refueling, and/or

servicing shall not take place on the beach or on the blufftop. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.

12. The construction work area, including but not limited to the blufftop and shoulder of Highway One, shall be restored to its pre-development condition and all debris removed within 3 days of completion of the emergency work authorized.
13. All exposed slopes and soil surfaces inland of the revetment at the site shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the *California Storm Water Best Management Practice Handbooks* (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
14. The construction site shall maintain good construction housekeeping (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).
15. Within 30 days of completion of the construction authorized by this emergency permit, the permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist clearly identifying the work completed under the emergency authorization (comparing the emergency condition to the post-work condition), and a narrative description of all emergency construction activities undertaken pursuant to this emergency authorization. Applicant must include an engineering and geotechnical analysis supporting the size of the revetment based on the protection of the immediate area of bluff failure.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
17. The issuance of this emergency permit does not constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 above, the emergency work carried out under this permit is at the applicant's risk and is considered to be **temporary** work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a coastal development permit (or waiver thereof) must be obtained. A regular permit is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this emergency permit, please contact the Commission's North Central Coast District Office at 45 Fremont St, Suite 2000, San Francisco, CA 95060, (415) 904-5260.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

RE: **Emergency Permit No. 2-02-030-G**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary to make it a permanent installation. I agree to apply for a regular Coastal Permit within 60 days of the date of the emergency permit (i.e., by March 4, 2003), OR I will remove the emergency work authorized by such permit in its entirety within 150 days of the date of the emergency permit (i.e., by June 2, 2003).

Kim C. Le for BO

Signature of property owner or
Authorized representative

State of California - Caltrans

Name

111 Grand Ave

Address

Oakland, CA 94623-0660

Jan. 13, 2003

Date of Signing

STATE OF CALIFORNIA—THE RESOURCES AGENCY

THOMAS DAVIS, SUPERVISOR

CALIFORNIA COASTAL COMMISSION

45 FARMONT, SUITE 2000
 SAN FRANCISCO, CA 94102-4417
 VOICE AND TDD (415) 904-4200
 FAX (415) 904-5400



EMERGENCY PERMIT

Issue Date: **January 14, 2003**Emergency Permit No. **2-02-034-0**

Steven Rouse
 Caltrans
 111 Grand Avenue
 Oakland, CA 94601

LOCATION OF EMERGENCY

Two sections of shoreline adjacent to Highway One approximately one half mile south of Pescadero Road at post mile marker 13.6, South San Mateo County (San Mateo County).

WORK PROPOSED

Construction of a 252-foot long, 36-foot wide, and 27-foot high rock revetment at the toe of the coastal bluff.

This letter constitutes approval of the emergency work that you have requested as described above. I understand from the information that you submitted that an unexpected occurrence in the form of severe coastal erosion undermining the highway and threatening public safety has occurred which represents "a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services." (Definition of "emergency" from § 13009 of the California Administrative Code of Regulations.) Therefore, the Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit, and
- (b) Public comment on the proposed emergency action has been reviewed if time allows.

The work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

Peter M. Douglas
 Executive Director


 By: **Chris Kern**
 Permit Supervisor

Copies to: Michael Schaller, San Mateo County Planning Department
 Debra Hall, Monterey Bay National Marine Sanctuary
 Nancy Smith, California State Lands Commission

Enclosures: Emergency Permit Acceptance Form and Regular Permit Application Form

Emergency Permit Number 2-02-031-G**Issue Date January 14, 2003****Page 2 of 3****CONDITIONS OF APPROVAL**

1. The enclosed emergency permit acceptance form must be signed by the owner(s) of the property where the emergency work authorized in this permit is located and returned to the California Coastal Commission's North Central Coast District Office within 15 days of the date of this permit (i.e., by January 29, 2003). This emergency permit is not valid unless and until the acceptance form has been received in the North Central Coast District Office.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director. This permit does not authorize the excavation of a keyway or any other permanent alteration of the bluff or shoreline.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by February 13, 2003) unless extended for good cause by the Executive Director.
4. The measures authorized by this emergency permit are only temporary. Within 60 days of the date of this permit (i.e., by March 15, 2003), the permittee shall submit a complete application for a regular coastal development permit to permanently address the need for protection of Highway One, including evaluation of alternatives to shoreline structure development. The emergency work shall be removed in its entirety within 180 days of the date of this permit (i.e., by July 13, 2003), unless before that time the California Coastal Commission has issued a regular permit for the development authorized by this emergency permit.
5. In exercising this permit, the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., San Mateo County, California State Lands Commission, Monterey Bay National Marine Sanctuary, National Marine Fisheries Service, United States Fish and Wildlife Service, United States Army Corps of Engineers). Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. A certified civil engineer or engineering geologist shall oversee all construction activities and shall ensure that all rock is properly placed and contained within the approved dimensions.
8. Construction activities and equipment shall avoid the waters of the Monterey Bay National Marine Sanctuary and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides, conducting construction operations from the blufftop, and limiting work areas to the area nearest the revetment when working from the blufftop is not feasible.
9. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible.
10. Equipment and materials shall not be stored on the beach. All construction materials placed on the beach during construction shall be placed beyond the reach of tidal waters and removed when construction is not ongoing.

Emergency Permit Number 2-02-031-G**Issue Date January 14, 2003****Page 3 of 3**

11. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach or on the blufftop. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
12. The construction work area, including but not limited to the blufftop and shoulder of Highway One, shall be restored to its pre-development condition and all debris removed within 3 days of completion of the emergency work authorized.
13. All exposed slopes and soil surfaces inland of the revetment at the site shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the *California Storm Water Best Management Practice Handbook* (March, 1993)). The use of non-native invasive species (such as ice plant) is prohibited.
14. The construction site shall maintain good construction housekeeping (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).
15. Within 30 days of completion of the construction authorized by this emergency permit, the permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist clearly identifying the work completed under the emergency authorization (comparing the emergency condition to the post-work condition), and a narrative description of all emergency construction activities undertaken pursuant to this emergency authorization. Applicant must include an engineering and geotechnical analysis supporting the size of the revetment based on the protection of the immediate area of bluff failure.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

The issuance of this emergency permit does not constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 above, the emergency work carried out under this permit is at the applicant's risk and is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a coastal development permit (or waiver thereof) must be obtained. A regular permit is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this emergency permit, please contact the Commission's North Central Coast District Office at 45 Fremont St. Suite 2000, San Francisco, CA 95060, (415) 904-5260.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

RE: Emergency Permit No. 2-02-031-G

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary to make it a permanent installation. I agree to apply for a regular Coastal Permit within 60 days of the date of the emergency permit (i.e., by March 6, 2003), OR I will remove the emergency work authorized by such permit in its entirety within 150 days of the date of the emergency permit (i.e., by June 6, 2003).

Harry McPeak for
Signature of property owner or *BART DESAI*
Authorized representative

B. Desai
Name

111 Grand Ave.
Address
Oakland, CA 94623

JAN 15, 2003
Date of Signing

CULTURAL RESOURCES COMPLIANCE PROCEDURES

Caltrans will conduct cultural resources studies for the proposed public access path and stairs at Pescadero State Beach in compliance with the *Programmatic Agreement Among the Federal Highway Administration, The Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA), and in conformance with the format and content guidance provided in Caltrans Standard Environmental Reference Vol. 2, available at <http://www.dot.ca.gov/ser/vol2/vol2.htm>. The general compliance process is outlined in the attached flow chart and the process specific to the proposed public access path and stairs project (Undertaking) is outlined below.

- Native American Consultation
 - Contact Native American Heritage Commission
 - Contact Listed Native American Tribes, Groups and Individuals
- Extended Phase 1 Proposal (http://www.dot.ca.gov/ser/vol2/ch_5/Ex_5_2_xpi_proposal.htm)
 - Caltrans will prepare a formal proposal for the Extended Phase 1 test excavations. Caltrans will submit the proposal to California State Parks Archaeologist and California Coastal Commission Staff for review and approval. Estimated submittal date, December 2007.
- Conduct Extended Phase 1 Excavations
 - Caltrans, or its consultant, will conduct archaeological test excavations in accordance with the approved Extended Phase 1 Proposal. The goals of the excavation will be to determine the presence/absence of archaeological deposits and if present delimit the boundaries of the deposits. Native American representatives may be invited to monitor excavations. Anticipated date of excavations, Spring 2008.
- Prepare Extended Phase 1 Report (http://www.dot.ca.gov/ser/vol2/ch_5/Ex_5_3_xpi_rpt.htm)
 - Caltrans, or its consultant, will prepare an Extended Phase 1 Report documenting the findings of the excavations. Caltrans will submit a Draft report to California State Parks Archaeologist, the California Coastal Commission Staff, and any participating Native Americans for review.
- Outcomes
 - Three general outcomes are plausible as a result of the Extended Phase 1 Excavations
 - 1) No materials sufficient to constitute an archaeological site are identified.
 - Response:** Undertaking may proceed with no further compliance with a finding of No Historic Properties Affected.
 - 2) Archaeological materials sufficient to constitute a potentially significant site are, or may be, present, but not within the proposed alignment of the path.
 - Response:** Area or areas of potentially significant archaeological site can be assumed eligible for the National Register of Historic Places (Significant), designated as Environmentally Sensitive Areas (ESA), and excluded from potential effects by temporary fencing and or monitoring of construction activities. This procedure is consistent with Attachment

EXHIBIT NO. L

2-05-013 CALTRANS

Cultural Resources Compliance

Page 1 of 3 pages

5 of the PA and Caltrans is required to notify the Office of Historic Preservation of a finding of No Adverse Effect with Standard Conditions.

3) Potentially significant archaeological site materials are situated across a broad area of the bluff precluding relocating the path alignment to avoid impacts.

Response: Caltrans will consult with California State Parks Archaeologist, the California Coastal Commission Staff, and any participating Native Americans to determine whether or not we should proceed to Phase II: Evaluate the site's significance. Caltrans would advocate Phase II studies if it appears that at least a portion of the site, sufficient to construct the proposed path, would be determined not significant. If the site exhibits obvious significance over a large area, such as the presence of human burials or numerous intact features, Phase II studies may not be advisable and alternatives to constructing the path should be considered. A boardwalk style path may be a feasible alternative to large-scale test and data recovery excavations.

EXHIBIT 2.1: SECTION 106 PROGRAMMATIC AGREEMENT FLOW CHART

